

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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STALIN RODRIGO REYES ESPINOZA,

PLAINTIFF,

-against-

Index No.: 515197/2019
DAVS PARTNERS LLC AND KALNITECH
CONSTRUCTION COMPANY,

DEFENDANTS.

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COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
STALIN RODRIGO REYES ESPINOZA,

PLAINTIFF,

-against-

ASK ELECTRICAL CONTRACTING CORP.,
DEFENDANTS.

-----X

DATE: April 5, 2023

TIME: 10:05 A.M.

(DEPOSITION OF DAVID KLEEMAN)

DATE: April 5, 2023

TIME: 10:05 A.M.

VIRTUAL ZOOM EXAMINATION BEFORE
TRIAL of the Defendant, DAVS PARTNERS LLC,
by DAVID KLEEMAN, taken by the Respective
Parties, pursuant to an Order, held
remotely at the date and time above, before
May Jean Wu, a Court Reporter and Notary
Public of the State of New York.

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221. UNIFORM RULES FOR THE
CONDUCT OF DEPOSITIONS

221.1 Objections at Depositions

(a) Objections in general. No objections shall be made at a deposition except those which, pursuant to subdivision (b), (c) or (d) of Rule 3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance with subdivision (e) of such rule. All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.

(b) Speaking objections restricted. Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination persons in attendance shall not make statements or comments that interfere with the questioning.

221.2 Refusal to answer when objection is made. A deponent shall answer all questions at a deposition, except (i) to preserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question, the examining party shall have the right to complete the remainder of the deposition.

221. UNIFORM RULES FOR THE
CONDUCT OF DEPOSITIONS

221.3 Communication with the deponent

An attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the question should not be answered on the grounds set forth in section 221.2 of these rules and, in such event, the reason for the communication shall be stated for the record succinctly and clearly.

IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary Public with the same force and effect as if signed before a clerk or a Judge of the court.

IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived and the appropriate sections of the CPLR shall be controlling with respect hereto.

IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.

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MS. ALIKAKOS: Good morning.

My name is Georgia Alikakos. I'm an attorney from the Law Office of Kevin Westerman. I represent a party identified as ASK Electrical in this case. There is a pending motion to consolidate the two actions. The cases have not been consolidated. However, yesterday we received the first notice that the witness was being produced. To the extent that the witness is asked as it relates to A.S.K. Electrical, we will be reserving all our rights and make any legal objections as possible, but in an effort to move the case along since I understand that Davs' counsel is required to produce this particular witness at a particular time, we're going to attend today's deposition. I would just note that we have not had discovery in the underlying case that I'm a party to in order to permit us a fair

1
2 opportunity to complete the
3 deposition, so I'll just reserve my
4 rights.

5 MR. GASTMAN: Thank you. This
6 is plaintiff's counsel. To
7 everybody, good morning and I hope
8 everybody's well.

9 Listen. I'm hearing today
10 there's another action out there that
11 is in the process of being
12 consolidated with this one. Yes, to
13 the extent it's the same party,
14 plaintiff's counsel is not
15 endeavoring to take a deposition or
16 any deposition twice, so if we get
17 the testimony today, we're probably
18 good unless some, you know, really
19 new discovery paper work or otherwise
20 comes down later, so, yes, thank you
21 for attending today and we hope to do
22 it once again unless something else
23 comes up.

24 Okay, anybody have anything
25 else? We're good, okay.

1 KLEEMAN

2 D A V I D K L E E M A N, called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. GASTMAN:

8 Q. Please state your name for the
9 record.

10 A. David Kleeman.

11 Q. What is your address?

12 A. 217-14 Hempstead Avenue, Queens
13 Village, New York 11429.

14 Q. Mr. Kleeman, good morning.

15 A. Good morning.

16 Q. As you probably heard already,
17 my name is Gregory Gastman. I'm with the
18 law firm of Gorayeb & Associates. Today
19 myself and my firm by extension, we
20 represent an injured worker by the name of
21 Stalin Rodrigo Reyes Espinoza in his
22 construction accident that took place on
23 June 28 of 2019.

24 I see you're represented by
25 counsel today, is that correct?

1 KLEEMAN

2 A. That is correct.

3 Q. Thank you.

4 Sir, there are a few short
5 ground rules for these types of
6 proceedings. Forgive me if you've already
7 heard these things a million times before,
8 but here they are. Sir, we're trying to
9 make a perfect written record today.
10 Somebody's typing all these words down that
11 we are saying, so we should try to speak
12 one person at a time today even though here
13 in New York we could have a four-way
14 conversation with nothing but hands and
15 head nods and motions like that. We need
16 to be verbal, including me, speaking just
17 one person at a time so that we get a good
18 clean record today, so take your time,
19 okay, sir?

20 A. (Nodding head.)

21 Q. That's the next instruction.
22 You have to actually use your words when
23 you want to answer questions. I'm okay if
24 you nod your head and I'm okay if you move
25 your hands around, but none of that will be

1 KLEEMAN

2 visual today. Only your spoken words are,
3 so if I ask you a question, even something
4 small, we have to wait until you answer and
5 then we'll go onto the next one, okay?

6 A. Understood.

7 Q. Thank you, sir.

8 My questions are designed to be
9 straightforward, but if that does not work
10 out, just stop me. Tell me you don't
11 understand. I'm happy to rephrase anything
12 for you, okay?

13 A. Okay.

14 Q. Thank you.

15 I am not allowed to ask you
16 about communications and conversations you
17 had with your lawyers, so don't tell me
18 that stuff, okay?

19 A. Okay.

20 Q. Thank you.

21 We tell all witnesses no
22 guessing allowed, so if you hear a question
23 and you don't know the answer, the correct
24 answer is probably, "I don't know." Fair
25 enough?

1 KLEEMAN

2 A. Fair enough.

3 Q. Thank you.

4 Sir, sometimes witnesses wish
5 to give an answer and it's an
6 approximation. It may not be a perfect
7 concise answer, but it's not a guess
8 either. Sir, if any of your answers are
9 approximations, please let us know, okay?

10 A. Okay.

11 Q. Thank you.

12 A common example of
13 approximations in these types of sessions,
14 it might be a date, a time or a distance.
15 These are just examples, okay?

16 A. Okay.

17 Q. Thank you, sir.

18 Are you good to go this
19 morning? Are you okay to answer some
20 questions at this time?

21 A. I am.

22 Q. Thank you, sir.

23 Oh, I'm sorry, and one or two
24 more little things, sir. If you need a
25 break for any human reason at any time, the

1 KLEEMAN

2 answer is, yes, of course. Just say so and
3 it's okay. You'll have your break,
4 alright?

5 A. Understood.

6 Q. Thank you.

7 Sir, I'm going to ask you and
8 sometimes I give little road maps. I give
9 you a little advance notice of where the
10 questions are going next to make things a
11 little smoother, so you can expect that
12 from time to time, okay?

13 A. Okay.

14 Q. Thank you.

15 Sir, my next few questions are
16 going to be about things that you might
17 have looked at or reviewed or observed, so
18 here's my first couple of questions.

19 Sir, have you reviewed any
20 documents or computer screens or printouts
21 or any paper work or anything with your
22 eyes to get ready for today's session?

23 A. No.

24 Q. You're coming in cold, sir?

25 A. No, early on what I had was

1 KLEEMAN

2 another attorney before Joe represented me.
3 There was an early on deposition that was
4 sent to my office that was about this thick
5 with information. I scanned through it. I
6 really didn't see anything. I was looking
7 to see what was going on, but I really
8 haven't reviewed anything for today, for
9 today's deposition (indicating).

10 Q. Okay, so you looked at a
11 deposition transcript? Is that about
12 right, sir?

13 A. Yes.

14 MR. RAVA: Not in preparation
15 for this deposition.

16 A. Yeah, it was a long time ago,
17 yes, correct.

18 Q. Okay, why did you read that a
19 long time ago?

20 A. I didn't. I said that was a
21 long time ago. That was early on. I said
22 I was represented by another counsel.

23 Q. Who was represented by another
24 counsel?

25 A. Say it again.

1 KLEEMAN

2 MR. GASTMAN: I'm having a
3 little trouble hearing the witness
4 today, but I take depositions with
5 this same equipment every single day.
6 Is there any way to move the
7 microphone a little closer to this
8 witness?

9 MR. RAVA: Okay, let me see if
10 I can do that. How's that?

11 Q. Okay, thank you. Thank you.
12 We'll find out. We'll find out.

13 MR. GASTMAN: Madam reporter,
14 can I hear the last answer recorded,
15 please?

16 (Whereupon, the referred to
17 record was read back by the court
18 reporter.)

19 MR. GASTMAN: Okay, thank you.
20 If I have any open question, please
21 withdraw it.

22 Q. Sir, which person or which
23 party was that transcript of?

24 MR. RECCHIA: I'll just note
25 for the record that the witness is

1 KLEEMAN

2 conferring with his attorney.

3 MR. GASTMAN: Yes, I'm not
4 objecting.

5 A. The transcript, I skimmed
6 through it. That was it.

7 MR. RAVA: Greg, I'm sorry. Do
8 you want to know the name of the
9 attorney or do you want to know who
10 the transcript was of?

11 MR. GASTMAN: Actually one by
12 one, I'm going to ask all of that
13 stuff just to figure out what's going
14 on.

15 Q. Sir, the deposition, the thing
16 you read, whose testimony was that?

17 MR. RAVA: Who was the witness?

18 THE WITNESS: Who was the
19 witness? I didn't read that. Like I
20 said, it came in the mail. I skimmed
21 through it and I didn't even get
22 involved with it to answer your
23 question.

24 Q. Mr. Kleeman, you skimmed
25 through a deposition transcript? Yes or

1 KLEEMAN

2 no?

3 MR. RAVA: Did you read it?

4 THE WITNESS: No.

5 MR. RECCHIA: I'm just going to
6 note my objection again to Mr.
7 Kleeman's attorney interjecting and
8 helping him answer questions. I want
9 to note that on the record.

10 MR. GASTMAN: Plaintiff's
11 counsel has no objection. He merely
12 is trying to be helpful. He's really
13 trying to help everybody. I have no
14 objection.

15 Q. Mr. Kleeman, I'm not here to
16 fight you and, you know, we could be here
17 all day, but I hope not. Sir, I'm simply
18 trying to find out when you skimmed through
19 that transcript, whose testimony was it
20 when you skimmed through it?

21 A. I didn't. I didn't.

22 MR. RAVA: Answer that
23 question.

24 A. I didn't read it.

25 MR. RAVA: Answer the question.

1 KLEEMAN

2 Q. I know you skimmed it, sir. I
3 heard you loud and clear, Mr. Kleeman. You
4 said it three times. Please tell us whose
5 testimony was it that you skimmed through?

6 A. I didn't read it. Do you know
7 what I mean?

8 MR. RAVA: Do you know?

9 THE WITNESS: No, no, that's
10 the point I'm trying to make here.
11 It was this thick. I put it back in
12 the envelope and I sent it to my
13 secretary. That's it. That came in
14 the mail. I didn't read any other
15 documents that came in the mail
16 (indicating).

17 Q. Mr. Kleeman, are you here to
18 tell us today you have no idea whose
19 transcript you skimmed through? You have
20 no idea, sir? Is that your testimony?

21 A. Yeah, maybe I said it wrong.
22 No, again I'm going to say it again. I did
23 not read it. I took it out of the
24 envelope. I saw the contents and how big
25 it was. I put it back in and I did not

1 KLEEMAN

2 read it. That's all I'm trying to say.

3 Q. Sir, maybe I misunderstood.

4 MR. RAVA: Have I told you
5 anything else?

6 THE WITNESS: No.

7 MR. RAVA: Okay.

8 MR. RECCHIA: I'm sorry, Mr.
9 Gastman. I just got to put this in
10 the record.

11 Yes, I want to note for the
12 record again that Mr. Rava is again
13 interjecting and apparently helping
14 his client answer questions.

15 MR. RAVA: I just wanted to
16 make sure.

17 MR. GASTMAN: Plaintiff's
18 counsel has no objection to Mr. Rava
19 trying to assist.

20 MR. RAVA: All I'm trying to do
21 is --

22 MR. GASTMAN: I'm going move
23 forward, guys. I've got other stuff
24 to do, okay? I've got other stuff to
25 do.

1 KLEEMAN

2 Q. Mr. Kleeman, are you
3 represented by someone, an attorney, where
4 you were involved in some kind of case?

5 A. Davs, yeah, yes.

6 Q. Which case was that, sir?

7 A. Davs, aren't we here for Davs
8 Partners?

9 Q. Sir, Davs Partners is indeed a
10 defendant in this case that we're here for
11 today. This is correct, sir.

12 A. Okay.

13 Q. Is that the lawsuit you're
14 talking about, the lawsuit that we're here
15 for today, because you seem to be talking
16 about something else. Maybe I
17 misunderstood you.

18 MR. RAVA: Correct.

19 A. Again there's a lot of --
20 there's a lot of lawsuits going on and I'd
21 be lying to you if I told you I knew which
22 one was which, okay? Outside of the
23 attorneys, I don't even know which one is
24 which, so at this stage of the game today
25 we're representing Davs Partners. That's

1 KLEEMAN

2 what I'm here for today.

3 MR. RAVA: Off the record.

4 (Whereupon, an off-the-record
5 discussion was held.)

6 Q. Mr. Kleeman, I'm going to ask
7 you a few questions about your work history
8 and your work background next, okay?

9 A. (Nodding head.)

10 Q. You have to answer.

11 A. Sure.

12 Q. Mr. Kleeman, generally
13 speaking, what type of work do you do?
14 What type of work?

15 A. I'm an electrician.

16 MR. GASTMAN: I'm really having
17 trouble hearing you.

18 (Whereupon, the referred to
19 record was read back by the court
20 reporter.)

21 Q. Sir, are you a master licensed
22 electrician?

23 A. I am.

24 Q. Thank you.

25 What state or states, please?

1 KLEEMAN

2 A. New York City and Suffolk
3 County.

4 Q. Thank you, sir.

5 Can you tell us, please,
6 approximately, just approximately, how long
7 have you been licensed like that
8 approximately? Twenty-four years or
9 twenty-five years just approximately?

10 A. Twenty plus years.

11 Q. Thank you.

12 Sir, presently do you work for
13 a company? Do you own a company? I'm
14 talking about electrical.

15 A. I work for a company.

16 Q. Okay, what's the name of the
17 company that you work for?

18 A. A.S.K. Electrical Corp.

19 Q. Thank you.

20 How long have you been working
21 for that company, sir, approximately, just
22 approximately?

23 MR. RAVA: How long?

24 THE WITNESS: I'm trying to
25 remember, 2015. I don't know

1 KLEEMAN

2 exactly.

3 MR. GASTMAN: What did he say?

4 (Whereupon, the referred to
5 record was read back by the court
6 reporter.)

7 Q. Mr. Kleeman, just think to
8 yourself and then answer the question.
9 Just approximately how long have you been
10 with the company as an employee
11 approximately?

12 A. Twenty-five years.

13 Q. Okay, thank you, sir.

14 A. Twenty years.

15 Q. Where is that company located
16 now, sir?

17 A. 217-14 Hempstead Avenue.

18 Q. Is that in Queens or Long
19 Island?

20 A. That's Queens.

21 Q. Thank you.

22 Can you tell us approximately,
23 just approximately, how long has the
24 company been located at that place?

25 A. Three years.

1 KLEEMAN

2 Q. Thank you.

3 Before that, sir, could you
4 tell us what part of the world was the
5 company located?

6 A. We rented a building in
7 Woodside.

8 Q. Thank you.

9 Sir, for people unfamiliar with
10 the building at 217-14 Hempstead Avenue,
11 can you give us just a brief description,
12 sir, is it a high-rise, a low rise, is it a
13 house or is it a building? What does it
14 look like?

15 A. It's just an inline one single
16 floor inline building.

17 Q. Alright, is it commercial, is
18 it residential or is it mixed?

19 A. It's commercial.

20 Q. Thank you, sir.

21 Sir, I apologize if you
22 answered this already. How many floors is
23 it?

24 A. It's one floor with a partial
25 basement.

1 KLEEMAN

2 Q. Thank you.

3 Sir, the accident we're here
4 about occurred on June 28, 2019. Sir, at
5 that time on that date, was A.S.K.
6 Electrical Company, were they in Woodside
7 or were they at this Hempstead Avenue
8 address or something else?

9 A. We were still working out of
10 Woodside.

11 Q. Okay.

12 A. The other building was under
13 construction.

14 Q. Okay, sir, the building under
15 construction, that's the 217-14 Hempstead
16 Avenue building, yes?

17 A. That's correct.

18 Q. Thank you.

19 Sir, when you say "under
20 construction", was this a renovation of a
21 building already there or this was from the
22 ground up from the ground to a new building
23 or something else?

24 A. It was a renovation of a
25 building that was already there.

1 KLEEMAN

2 Q. Thank you.

3 Sir, with people unfamiliar
4 with the renovation, is that project done
5 now?

6 A. Yes.

7 Q. Thank you.

8 Sir, I'm going to ask you for
9 dates. These are just approximations. I'm
10 not holding you to exactly. Can you tell
11 us just approximately when did the
12 construction take place? From when to when
13 approximately?

14 A. I don't recall. I don't recall
15 the actual dates.

16 Q. Okay, did A.S.K. Electrical
17 Company move into that new space after the
18 construction was done?

19 A. Yes.

20 Q. Great. Can you tell me
21 approximately when did A.S.K. Electrical
22 begin occupying the new space on Hempstead
23 Avenue just approximately? About three
24 years?

25 A. What was that?

1 KLEEMAN

2 Q. You tell me, sir.

3 Approximately how long? When did you move
4 into the space approximately?

5 A. Yeah, when the construction was
6 completed and I don't recall when that was.

7 Q. Okay, alright, do you believe,
8 sir, the construction was still underway on
9 the date of the accident, June 28, 2019?

10 A. Yes.

11 Q. Okay, thank you.

12 Sir, did A.S.K. Electrical get
13 the new space by signing a lease or did
14 they buy the property or something else?

15 A. They signed a lease.

16 Q. Okay, thanks.

17 Is the lease between A.S.K.
18 Electrical and some other company or
19 entity?

20 A. Yes.

21 MR. GASTMAN: Off the record.

22 (Whereupon, an off-the-record
23 discussion was held.)

24 Q. Sir, we've been talking about
25 the electrical company?

1 KLEEMAN

2 A. Yes.

3 Q. I apologize. There was some
4 audio delay for which I apologize.

5 Sir, we've been talking about
6 A.S.K. Electrical, the company that you've
7 been working with or for. That's A.S.K.
8 Electrical Contracting Corporation, is that
9 correct?

10 A. Yes, at that time that is
11 correct at that time.

12 Q. Okay, there have been some name
13 changes?

14 A. Correct.

15 Q. Okay, is there a newer version
16 of that? Is there a newer name or newer
17 version or is that the name?

18 A. Yes, it's the A.S.K. Electrical
19 Corp., which was the latest one that I
20 stated that was the current.

21 Q. Okay, thanks.

22 Do you remember what was the
23 name of the company before that?

24 A. A.S.K. Electrical Contracting
25 Corp.

1 KLEEMAN

2 Q. Forgive me, sir, but the new
3 name is what?

4 A. A.S.K. Electrical Corp., we
5 dropped the "Contracting".

6 Q. Thank you.
7 It's just the word
8 "Contracting"?

9 A. Yes.

10 Q. Thank you.

11 Sir, so the lease is between
12 A.S.K. and who? Who's the owner or the
13 landlord?

14 A. That would be Davs Partners
15 over here for today.

16 Q. Okay, thank you.

17 Sir, back to the electrical
18 company for a couple of moments, I'm going
19 to ask you about employees, ownership and
20 things like that. Sir, do you have any
21 ownership interest in the electrical
22 company, A.S.K.?

23 A. I do.

24 Q. Okay, and you're the full
25 owner? You're a partial owner? Who are

1 KLEEMAN

2 you?

3 A. I'm a partial owner.

4 Q. Okay, who are the other owners?

5 A. My daughter.

6 MR. GASTMAN: Off the record.

7 (Whereupon, an off-the-record
8 discussion was held.)

9 Q. Mr. Kleeman, we'll just put the
10 initials on the record for now. I
11 understand A.S.K. is not a party to this
12 case yet, but what's her first name,
13 please?

14 A. S.

15 Q. I'm sorry. What was that?

16 A. S.

17 Q. S., thank you.

18 MR. GASTMAN: Okay, let's just
19 put the initial in there, S., okay?
20 Thank you. She's not yet a party to
21 this case. Thank you.

22 Off the record.

23 (Whereupon, an off-the-record
24 discussion was held.)

25 Q. Mr. Kleeman, that daughter, the

1 KLEEMAN

2 one you just mentioned, does she have a
3 background in electrical work or none?

4 A. She does. She's actually going
5 for her master electrician's license and
6 she's going to eventually take over the
7 company so I can get out of here.

8 Q. You're a happy guy, good for
9 you.

10 A. No kidding.

11 Q. Okay, any other owners or
12 shareholders or those are the two?

13 A. No, just the two of us.

14 Q. Okay, thank you.

15 Sir, do you have any ownership
16 interest with that other entity, Davs
17 Partners?

18 A. I do.

19 Q. Sir, just briefly what is that
20 relationship? Like you're one of the
21 owners or something else?

22 A. With what? The company?

23 Q. Yes, sir, Davs Partners, yes.

24 A. I'm one of the owners of, yes,
25 of that company.

1 KLEEMAN

2 Q. Thank you.

3 Is there another owner or
4 partial owner of that company with the
5 first name of V.?

6 A. There is. Yes, that would be
7 my wife. That's my spouse.

8 Q. Okay, thank you.

9 MR. GASTMAN: Why don't we put
10 a "V." for that? Thank you.

11 Off the record.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 Q. Sir, at some point did Dava
15 Partners, did they become the owner of that
16 property, 217-14 Hempstead Avenue?

17 A. Yes, they were the owner. We
18 purchased the property.

19 Q. Thank you.

20 Sir, just tell us
21 approximately, just approximately, when was
22 that company or when was that property
23 purchased by that company?

24 A. What was that? In 2018, 2019,
25 around there.

1 KLEEMAN

2 Q. Okay, soon after the
3 construction started?

4 A. Correct.

5 Q. Okay, thank you.

6 Sir, was there a general
7 contractor?

8 MR. GASTMAN: Off the record.

9 (Whereupon, an off-the-record
10 discussion was held.)

11 Q. Back on the record, sir, was
12 there a general contractor hired to assist
13 on this project?

14 A. Yes.

15 Q. Who was the general contractor
16 company, please, for this project?

17 A. Kalnitech.

18 Q. Sir, was there a written
19 agreement or a contract for Kalnitech to
20 come in as the general contractor?

21 A. Yes.

22 Q. Thank you.

23 Sir, do you know who prepared
24 the contract? Did Kalnitech prepare it and
25 hand it to A.S.K. or did A.S.K. prepare it

1 KLEEMAN

2 and hand it to Kalnitech or maybe something
3 else happened?

4 A. I don't recall.

5 Q. Okay, sir, do you have any
6 ownership interest in Kalnitech, the GC
7 company?

8 A. No.

9 Q. Sir, and I ask respectfully,
10 are you related by blood or marriage to
11 anybody in Kalnitech, the general
12 contractor?

13 A. No.

14 Q. Okay, thank you. Okay, thank
15 you.

16 Sir, before Kalnitech was hired
17 for this project, had they ever been hired
18 before for other projects?

19 A. No.

20 Q. Okay, sir, do you happen to
21 know, sir, how did Kalnitech come to be
22 hired? Who knew them? Can you tell me the
23 process?

24 A. Okay, I know the owner of
25 Kalnitech. He used to work for another GC

1 KLEEMAN

2 that we used to do a lot of work for. He
3 branched out and was leaving them and went
4 out on his own. I believe this was the
5 first job he did.

6 Q. Thank you.

7 Well, was that Majestic? I
8 think I heard the name at some point, but I
9 don't recall, the other prior contractor
10 company.

11 A. The company that he worked for?

12 Q. Yes, yes.

13 A. Masterpiece.

14 Q. Masterpiece, thank you.

15 Sir, I'm going to ask you a
16 questions about who hired who next. Sir,
17 was Kalnitech hired by A.S.K. to do the
18 work?

19 A. Yes.

20 Q. Okay, thanks.

21 Did A.S.K. hire any other
22 contractors or subcontractors to assist on
23 the project?

24 MR. RAVA: Greg, can you repeat
25 that question? Could you ask it

1 KLEEMAN

2 again? You were breaking up.

3 MR. GASTMAN: Oh, yes, sure,
4 sorry about that. I'm going to
5 repeat the question.

6 Q. In addition to hiring
7 Kalnitech, did A.S.K. hire any other
8 contractors or subcontractors for this
9 project?

10 A. Yes.

11 Q. Thank you.

12 Sir, to the best as you recall,
13 who else did A.S.K. hire for this project?

14 A. Who else did A.S.K. hire for
15 this project? I'm trying to remember that.
16 It's been such a long time.

17 Q. Yes.

18 A. And I want to be accurate.

19 Q. If you don't recall, you could
20 say you don't recall. We will do our best
21 to refresh your recollection, sir.

22 A. Yeah, I don't want to guess. I
23 don't want to guess without having anything
24 in front of me.

25 Q. That's okay. Sir, I have some

1 KLEEMAN

2 company names here. I'll give them to you
3 one by one. Let's see if anything clicks
4 here.

5 A. Okay.

6 Q. Sir, was one of the companies
7 you hired JM Associates? That's J-M
8 Associates. Was that one of the other
9 ones?

10 A. That is correct. That's
11 correct.

12 Q. Thank you.

13 Sir, for people not familiar,
14 did they have a particular specialty, JM,
15 or were they like the plumbers or the
16 carpenters?

17 A. They did the cabinets. They
18 did the finishing work.

19 Q. JM did the finishing work, is
20 that right?

21 A. Correct, they came in to do the
22 finishing work.

23 Q. When you say "finishing", sir,
24 do you mean things like painting and
25 plastering or do you mean something else?

1 KLEEMAN

2 A. Like I said, painting,
3 moldings, you know, the flooring.

4 Q. Thank you.

5 Sir, did A.S.K. hire any other
6 companies or was it just those two,
7 Kalnitech and JM Associates?

8 A. There were other companies
9 there. There were a couple. You know,
10 because we were in construction, I know
11 other contractors in the business, so there
12 might have been. There was a fence company
13 that was brought in early/early on that
14 A.S.K. brought in directly, but that was
15 like just to fence off the property prior
16 to the construction.

17 Q. Any other companies, sir, that
18 were working on this project?

19 A. Not that I recall.

20 Q. By A.S.K.?

21 A. Not that I recall.

22 Q. Okay, and, sir, for people not
23 familiar with the scope of the work, could
24 you tell us, please, what was the scope of
25 the work for this renovation project? What

1 KLEEMAN

2 was going to be done?

3 A. It was a fit-out of an empty
4 building, offices. You know, electrical
5 contractor's offices basically was exactly
6 what it is.

7 Q. Thank you.

8 Also a shop or just offices?

9 A. There was a shop. Yeah, it was
10 decided into some office space and some
11 shop space and some storage space.

12 Q. Okay, thank you.

13 Sir, this renovation project,
14 was the building built up or out or the
15 footprint of the building remained the
16 same?

17 A. The footprint of the building
18 remained the same. As I mentioned earlier,
19 it was a fit-out of the first floor.

20 Q. Okay.

21 A. And the basement.

22 Q. Thank you.

23 Sometimes fit-outs include some
24 other things. I'm just asking.

25 Sir, were there any

1 KLEEMAN

2 architectural diagrams prepared by anybody
3 for this project?

4 A. Yes.

5 Q. Okay, and those were provided
6 to the general contractor, I imagine, to
7 help them with their work?

8 A. A set of drawings, correct.

9 Q. Thank you.

10 Sir, in addition to the
11 contractors and subcontractors we already
12 mentioned, was there any safety company
13 hired by anybody to have additional eyes
14 and ears watching the workers?

15 A. That would be the general
16 contractor's responsibility.

17 Q. Well, okay, did they hire a
18 safety company?

19 A. Not to my knowledge.

20 Q. Okay, sir, my next several
21 questions will be about equipment and gear
22 that the owner of the property or A.S.K.
23 might have provided. I'm giving you a
24 little road map of the questions. Here
25 they come.

1 KLEEMAN

2 Sir, did the owner of the
3 property, Davs Partners, did that company
4 give any safety equipment to the hands-on
5 construction workers for this project?

6 A. No.

7 Q. How about A.S.K. Electrical?
8 Did that company give any safety equipment
9 or safety gear to the --

10 A. Yes, it was provided.

11 Q. I apologize, sir. My question
12 didn't get completed and the record will
13 get a little muddy. I apologize, sir. I'm
14 going to withdraw that question and ask you
15 again.

16 Sir, did A.S.K. Electrical, did
17 that company give any safety gear to the
18 hands-on workers doing that fit-out
19 renovation project?

20 A. Well, A.S.K. gave safety gear
21 to their workers that were present onsite
22 doing the electrical work.

23 Q. Okay, I'm going to repeat that
24 to make sure I'm following you, sir. Stop
25 me if I'm wrong. A.S.K. gave safety gear

1 KLEEMAN

2 to A.S.K.'s workers that were doing the
3 electrical portion of this job, is that
4 correct, sir?

5 A. Correct, that was it.

6 Q. Thank you.

7 A. That's what we did.

8 Q. Okay, thank you.

9 Did A.S.K. provide any safety
10 gears to any of the other companies that
11 were working on the project?

12 A. That's normally the
13 responsibility of the other companies in
14 this project.

15 Q. Yes, sir, but my question is
16 did A.S.K. give safety gears to the other
17 companies or not?

18 A. It's not their responsibility.

19 Q. Is that a no, sir?

20 MR. RAVA: Just answer "yes" or
21 "no".

22 A. No.

23 Q. Thank you, sir.

24 Sir, this project, it went on
25 for months at least, yes?

1 KLEEMAN

2 A. Yes.

3 Q. Okay, sir, tell me who was your
4 go to guy at Kalnitech for this project?
5 If you had a question or a concern, who
6 would you be reaching out to?

7 A. Gus.

8 Q. Thank you.

9 Sir, with JM, they came towards
10 the end of the job? Would that be fair to
11 say? They were doing additional work
12 towards the end of the job, is that right?

13 A. Yes.

14 Q. Okay, thank you.

15 Sir, do you know, if you know,
16 approximately how long was JM, the company,
17 on the job doing their part of the work?
18 Was it days, weeks or months? Can you give
19 us an approximation?

20 A. A week or two.

21 Q. Thank you.

22 Sir, during that period of time
23 when JM Associates was onsite doing their
24 finishing work, sir, were you stopping by
25 the shop all the time or sometimes or

1 KLEEMAN

2 never? You tell me.

3 A. I would stop by periodically to
4 meet with Gus to review the progress of the
5 job. I would also stop by to see my
6 foreman to review the progress of the
7 electrical.

8 Q. Thank you.

9 Sir, I'm not holding you to an
10 exact formula or schedule at all, but
11 generally speaking, sir, when you said you
12 stopped by periodically, was this once an
13 hour, once a day or once a month? I'm just
14 looking for an approximation.

15 A. A couple of times a week for no
16 more than an hour a day because I had my
17 other jobsites that I would visit as well.

18 Q. Yes, sir, A.S.K. had their own
19 jobs going on throughout the city, yes?

20 A. Correct.

21 Q. Okay, sir, the project manager,
22 I think that might have been the phrase to
23 use. Who were you meeting with, sir? Who
24 was that?

25 A. From what company?

1 KLEEMAN

2 Q. I apologize, sir. I'm trying
3 to follow from what you said recently. You
4 said that you would meet with your project
5 manager or somebody. Maybe I didn't hear
6 it.

7 A. That was Gus, the owner. The
8 GC was Gus, to meet with him about project
9 management. That's what I said.

10 Q. Okay.

11 A. He would meet with my foreman
12 to review the progress of his work.

13 Q. Thank you.

14 This is the foreman from
15 A.S.K.?

16 A. Correct.

17 Q. Okay, thank you.

18 What is that person's first
19 name?

20 A. Dwayne at the time.

21 Q. Was that Mr. Hudson? Is that
22 the same gentleman?

23 A. Yeah, Dwayne, Dwayne Hudson,
24 that was the foreman.

25 Q. Thank you.

1 KLEEMAN

2 Dwayne was your foreman. Was
3 he an A.S.K. employees or Davs or something
4 else?

5 A. He was an A.S.K. employee.

6 Q. Okay, thank you.

7 Does he have an electrical
8 background also or is his background in
9 something else?

10 A. Yes, he's an electrician as
11 well.

12 Q. Okay, thank you.

13 Sir, back to Gus and Kalnitech
14 for a couple of moments, sir, do you know
15 one way or the other did Kalnitech stay on
16 the job during those weeks or whatever when
17 JM Associates was doing the finishing work
18 part of the project?

19 A. Yes, Kalnitech also had their
20 workers on the job besides JM, yes.

21 Q. Okay, thank you.

22 MS. ALIKAKOS: I'm sorry. I'm
23 sorry for interrupting you guys.

24 Madam court reporter, can you
25 just read back the last question and

1 KLEEMAN

2 answer?

3 (Whereupon, the referred to
4 record was read back by the court
5 reporter.)

6 MS. ALIKAKOS: Okay, thank you
7 so much.

8 Q. Sir, with regard to Gus,
9 Kalnitech, sir, if you know, was Gus there
10 day to day or did he stop in from time to
11 time, if you know?

12 A. Everyday.

13 Q. What was his schedule on the
14 project?

15 A. He was there everyday. That
16 was what he was getting paid to do.

17 Q. Okay, the expectation was Gus
18 himself, he would be there pretty much
19 everyday other than a sick day or a
20 vacation day, et cetera?

21 A. Correct.

22 Q. Okay, sir, my next few
23 questions will be about paper work that may
24 or may not have been generated for the
25 project. That's a little road map.

1 KLEEMAN

2 Sir, Kalnitech, were they doing
3 any sort of daily logs with some basic
4 information about the work that would be
5 written down?

6 A. Not to my knowledge.

7 Q. Okay, you never saw anything
8 like that?

9 A. No.

10 Q. Okay, thank you.

11 Sir, was there anybody else
12 that you know of doing any sort of daily
13 log, either your guys or Davs Partners or
14 anyone or anybody doing a daily log for
15 this project?

16 A. Not that I know of other than
17 my guys doing their weekly toolbox talks
18 and what, you know, what we do on every
19 other jobsite, not that I know of.

20 Q. Now, sir, the toolbox talks
21 that you were referring to, were these just
22 for the A.S.K. workers on the project or
23 was that open and all the contractors were
24 going to that?

25 A. Yeah, no, that was just for the

1 KLEEMAN

2 A.S.K. workers. That's how. All the
3 companies conducted their own toolbox
4 talks.

5 Q. Sir, I'm going to switch gears
6 a little bit and I'm going to ask you a few
7 questions about the accident of the worker
8 we're here for, okay?

9 A. Sure.

10 Q. Okay?

11 A. Yes.

12 Q. Thank you.

13 Sir, if I say again the
14 accident date was June 28, 2019, sir, were
15 you at the worksite that day, 217-14
16 Hempstead Avenue?

17 A. I was not.

18 Q. Okay, sir, I realize time has
19 gone by, but the best you can recall, sir,
20 how did you first find out about this
21 accident or incident? How did you hear
22 about this?

23 MR. RAVA: Greg, I'm sorry, but
24 I missed part of your question.

25 MR. GASTMAN: Sure, I'll happy

1 KLEEMAN

2 to just withdraw it and rephrase it.
3 I'm happy to.

4 MR. RAVA: Thank you.

5 MR. GASTMAN: It's okay. It's
6 okay. Can you hear me okay?

7 MR. RAVA: Yes.

8 MR. GASTMAN: Okay.

9 Q. Sir, how did you first hear
10 about this accident? Who told you?

11 A. I got a phone call from my
12 foreman, Dwayne Hudson, that afternoon
13 saying that someone got hurt and fell. He
14 fell.

15 Q. Okay, was that a ladder
16 accident? Is that what he told you?

17 A. Yes, someone fell off a ladder,
18 correct.

19 Q. Okay, and is it your
20 understanding, sir, it was one of the JM
21 workers, it was one of the A.S.K. workers
22 or somebody else?

23 A. It was one of the JM workers.

24 Q. Okay, alright, did Dwayne tell
25 you he saw it? He saw the accident?

1 KLEEMAN

2 A. He actually said he didn't see
3 it from what he told me.

4 Q. That's what he told you?

5 A. Yes.

6 Q. Okay.

7 A. He said he was standing in
8 front of the panel that was just behind
9 him. That was just behind him when the
10 incident took place. He was no more than a
11 couple of feet away, but he was facing the
12 other direction.

13 Q. Oh, okay, okay, okay.

14 A. That's what I remember him
15 saying.

16 Q. Okay, he was close by but maybe
17 looking the other way? That's your
18 recollection?

19 A. Well, he was working on a panel
20 that was in the opposite direction of where
21 the accident actually supposedly happened.

22 Q. Wait a minute. Supposedly
23 happened? Didn't Dwayne tell you that the
24 accident happened?

25 A. The accident, I can't speak. I

1 KLEEMAN

2 wasn't there.

3 Q. No, but your foreman was there?

4 A. Correct.

5 Q. Yes, Dwayne told you there was
6 an accident, right?

7 A. Correct.

8 Q. Okay, okay, sir, did you ever
9 speak to anybody else, anybody else, at the
10 scene who might have seen something? Did
11 you speak to anybody else there?

12 A. No.

13 Q. Okay, and, sir, who else was
14 there that day from A.S.K.? The foreman
15 was there, so I guess there were workers.
16 Who was there?

17 MS. ALIKAKOS: Note my
18 objection. I'm sorry. Can you just
19 note my objection to the form, an
20 assumption?

21 A. We had a helper there with him.

22 Q. You had a foreman there just to
23 supervise a helper, is that right?

24 A. An apprentice, we call helpers
25 apprentices. He had an apprentice with

1 KLEEMAN

2 him.

3 Q. Okay.

4 A. You're asking about A.S.K.,
5 correct?

6 Q. Yes, I did.

7 A. Yes, he had his apprentice with
8 him.

9 Q. Okay, so your foreman, Dwayne,
10 he was doing hands-on electric work at that
11 time, is that correct, sir?

12 A. Correct, he was a working
13 foreman.

14 Q. Okay, thank you.

15 Was he supervising any of the
16 other trades or just the A.S.K. trades?

17 A. He was supposed to be just
18 supervising A.S.K.'s trades. That's what
19 he's there to do.

20 Q. Okay, thank you.

21 Did the apprentice say anything
22 about the accident?

23 A. That I don't know. I never
24 asked him.

25 Q. Okay, did he ever tell you

1 KLEEMAN

2 anything?

3 A. I never discussed this case
4 with him.

5 Q. Did he ever tell you anything
6 or he never told you anything?

7 A. I didn't discuss the accident
8 with him.

9 Q. Okay.

10 A. I never discussed anything with
11 him.

12 Q. I understand there was no
13 discussion. That would be a back and forth
14 kind of thing. I was asking you if he told
15 you anything.

16 A. No.

17 Q. Okay, thank you.

18 Is he still with the company?

19 A. No.

20 Q. What happened?

21 A. He moved onto bigger and better
22 things.

23 Q. He's with a competitor?

24 A. He's with a competitor, yes.

25 Q. Okay, thanks.

1 KLEEMAN

2 Do you run into him from time
3 to time on these jobs or no?

4 A. Who are you talking about?
5 Dwayne or the apprentice?

6 Q. I apologize, the apprentice,
7 the guy who is no longer with you.

8 A. No.

9 Q. Okay, and Mr. Hudson, did he
10 move on or is he with the company?

11 A. He did. He moved on as well.

12 Q. Okay, thank you.

13 Did he leave on good terms with
14 the company, Dwayne?

15 A. Absolutely.

16 Q. Okay.

17 A. I talk to Dwayne every once in
18 a while.

19 Q. Okay, sir, putting aside lawyer
20 communications, I don't want to know about
21 that. Is there anything more you know
22 about the ladder accident that we've been
23 talking about or that's it?

24 A. You're caught up to speed from
25 what I know about it.

1 KLEEMAN

2 MR. GASTMAN: Okay, and, sir, I
3 thank you for your time. I don't
4 think I have any more questions today
5 although I see there are other people
6 with us. Maybe they have some
7 questions and sometimes when I hear
8 that I think of something, but in the
9 meantime I want to thank you for
10 coming, sir.

11 MS. ALIKAKOS: Off the record.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 MR. GASTMAN: Plaintiff's
15 counsel wishes to leave a trail of
16 breadcrumbs for the summary judgment
17 writers and other readers of this
18 record. We have received in ordinary
19 discovery many of the usual documents
20 we would expect to see in these kinds
21 of cases and we got paper discovery
22 from Dava Partners. It's their
23 Response to Combined Demands. That
24 response was dated January 3, 2022
25 and in there, in addition to other

1 KLEEMAN

2 things, there were three agreements.
3 I'm going to mention them just for
4 the readers of the records. There
5 were two A.S.K. Electrical Master/
6 Subcontract Agreements, one with
7 Kalnitech and the other one with JIM
8 Associates. They were under A.S.K.'s
9 letterhead on top. Those are Mr.
10 Kleeman signed for A.S.K. and Gus
11 signed for Kalnitech and somebody
12 with the initials of JIM signed for
13 JIM and we have a third agreement
14 here and it says on top "Short Form
15 Prime Contract Between Owner and
16 Contractor" and on its face in
17 writing it's between A.S.K. and Dava
18 Partners for the construction
19 project. Thank you. I just wanted
20 to leave that trail of breadcrumbs.

21 MR. RECCHIA: Off the record.

22 (Whereupon, an off-the-record
23 discussion was held.)

24 EXAMINATION BY

25 MR. RECCHIA:

1 KLEEMAN

2 Q. Good morning, Mr. Kleeman.

3 A. Good morning.

4 Q. My name is Maurice Recchia. I
5 am an attorney. I represent Kalnitech
6 Construction Company in this case.

7 I'm going to ask you some
8 further questions today about this case and
9 about the nature of any agreement or any
10 contract or any relationship between DAVS
11 Partners LLC and Kalnitech. If you don't
12 understand any question that I ask you,
13 please let me know and I will be happy to
14 try to repeat it or rephrase it. As you've
15 already heard, it's important that you
16 answer with words that come out of your
17 mouth and not with any gestures. Also
18 while we're together here, you can take a
19 break at any time for any reason, sir,
20 including to speak with your attorney.
21 However, what I ask that you do is you
22 answer any question that I've posed to you
23 or which is pending before you request to
24 take a break for any reason or that you
25 request to speak to your attorney. Is that

1 KLEEMAN

2 okay? Is that fair enough, sir?

3 A. Yes.

4 MR. RECCHIA: Okay, alright,
5 MJ, would you put the first contract
6 up and we're marking that as
7 Defendant's Exhibit A.

8 (Whereupon, the Short Form
9 Contract Between Owner & Contractor
10 was deemed marked as Defendant's
11 Exhibit A for identification as of
12 this date by the court reporter and
13 was put up on the screen for the
14 parties to share.)

15 Q. Okay, sir, we put a document up
16 on the screen that we're marking as
17 Defendant's Exhibit A today. Can you see
18 it?

19 A. Yes.

20 Q. Okay, and I'll just read it.
21 The top of it says "Short Form Prime
22 Contract Between Owner and Contractor" and
23 then it says, "This agreement is made this
24 11th day of March, 2019," and the number
25 "11th" and the word "March" is handwritten

1 KLEEMAN

2 and then it says the contract is "between
3 A.S.K. Electrical Corp. (contractor) and
4 Davs Partners LLC (owner)". Do you see
5 that, sir?

6 A. Yes.

7 Q. Have you ever seen this
8 document before today?

9 A. Yes.

10 Q. Okay, do you know whose
11 handwriting it is up there that wrote in
12 "11th" and the word "March"?

13 A. My office administrator.

14 Q. Who is that, sir?

15 A. Kavita, K-A-V-I-T-A.

16 MR. RECCHIA: Okay, alright,
17 and now, MJ, would you please go to
18 the bottom of the document. There's
19 the signature page.

20 (Whereupon, the document was
21 put up on the screen for the parties
22 to share.)

23 Q. Okay, sir, can you see the
24 signature area of this document?

25 A. Yes, I can.

1 KLEEMAN

2 Q. Okay, do you see on the left
3 side there's a signature block and it says
4 "owner, Davs Partners LLC" and it looks to
5 be a signature of a person named "Vanessa
6 Kleeman" and then handwritten it says
7 "Vanessa Kleeman". Do you see that?

8 A. Yes, I do.

9 Q. Ms. Kleeman, if I recall from
10 your testimony earlier today, Ms. Kleeman
11 is your wife, correct?

12 A. That is correct.

13 Q. If I recall your testimony, Ms.
14 Kleeman is also co-owner with you of Davs
15 Partners LLC, is that correct?

16 A. Yes.

17 THE COURT REPORTER: Off the
18 record.

19 (Whereupon, an off-the-record
20 discussion was held.)

21 MR. RECCHIA: I would like to
22 put "Vanessa". She's a legal person
23 listed on the LLC agreement, which
24 are multiple.

25 Q. Okay, and, sir, let's take a

1 KLEEMAN

2 look at the right side signature block. It
3 looks like there's a name, "David Kleeman"
4 and a signature and there's a title,
5 "president", and it looks like there's a
6 signature. Is that your signature, sir?

7 A. Yes.

8 Q. Did you sign this document on
9 or about March 11, 2019?

10 A. Yes.

11 Q. Okay, do you know who drew up
12 this contract, sir? Did you do it? Did
13 Ms. Vanessa Kleeman do it, did Kavita do it
14 or did someone else do it?

15 A. That was a standard contract
16 that was given to me by one of my brokers.

17 Q. When you say "standard
18 contract", it was blank until you or Kavita
19 or someone else filled out the various
20 parts of it?

21 A. Correct.

22 Q. At the top where it says
23 "owner" and "contractor" referring to Davs
24 as the owner and A.S.K. as the contractor,
25 was that something that your broker typed

1 KLEEMAN

2 in or was that something that your office
3 typed in or something else?

4 A. Yeah, well, could you repeat
5 that?

6 MR. RECCHIA: Sure, you can
7 read it back.

8 (Whereupon, the referred to
9 record was read back by the court
10 reporter.)

11 Q. That's the question, sir.

12 A. I believe my office typed this
13 in. It is a standard contract that we use
14 and I believe Kavita typed that in.

15 Q. Okay, and when you signed it,
16 you were signing as the president of A.S.K.
17 Electrical Corp., is that correct?

18 A. Yes, at that time.

19 Q. Okay, and when you signed this
20 document, was it your understanding that
21 A.S.K. Electrical Corp. was the general
22 contractor pursuant to this contract?

23 A. No, this is just the contract.
24 You have to understand we're the owner of
25 the building, you know. Davs is the owner

1 KLEEMAN

2 of the building. A.S.K. is in the
3 deposition here because I'm involved with
4 both, but this contract was put together
5 because it wasn't going to go through
6 Kalnitech. We were going to pay. This was
7 the company, Kalnitech, and A.S.K. with
8 each other because A.S.K. was not being
9 listed as the contractor. I'm my own
10 contractor, so we put a contract together
11 between A.S.K. and Davs as the contract.

12 Q. Right, when your office drafted
13 this contract and you signed it, did you
14 sign it with the intention of having A.S.K.
15 be the general contractor for this job?

16 A. No, no.

17 Q. Okay.

18 A. They were the subcontractor.

19 Q. Does the word "subcontractor"
20 appear anywhere on this document, sir?

21 MR. RAVA: Objection. The
22 document will speak for itself. You
23 can ask him questions. Go ahead.

24 MS. ALIKAKOS: Objection.

25 Q. Sir, please take your time sir.

1 KLEEMAN

2 Can you show me anywhere on this contract
3 that we have here on the screen marked as
4 Exhibit A where it refers to A.S.K.
5 Electrical as a subcontractor, sir?

6 MR. RAVA: If you want to point
7 to specific sections of the contract
8 and ask him about that, that's fine,
9 but I'm not going to have him search
10 through the document.

11 MR. RECCHIA: Sure, MJ, can you
12 scroll down maybe half a page?

13 (Whereupon, the document was
14 scrolled on the screen for the
15 parties to share.)

16 Q. Sir, we have four paragraphs on
17 the screen denominated as section two,
18 section three and section four. Do you see
19 the word "subcontract" or "subcontractor"
20 on any of these paragraphs?

21 A. First I have to hear the whole
22 question. You broke up.

23 MR. RECCHIA: Sure, MJ, if you
24 heard it, please read it back. If
25 not, I will repeat it.

1 KLEEMAN

2 I'm just going to note for the
3 record that there appears to be a
4 conversation between the witness and
5 his attorney and I please ask on the
6 record not to have that occur.

7 (Whereupon, the referred to
8 record was read back by the court
9 reporter.)

10 A. Yes.

11 Q. Okay, can you tell me is it in
12 section two, section three or section four?

13 A. It's in all three sections, all
14 four sections, all three sections.

15 MR. RECCHIA: Okay, alright,
16 MJ, would you scroll down to the next
17 set of paragraphs, please. Yes, do
18 five and six and see if you can get
19 the rest of six. Alright, actually
20 we're going to have to do it by five.

21 Q. Sir, looking at what's on the
22 screen as section five, do you see the word
23 "subcontract" or "subcontractor" anywhere
24 on section five?

25 MS. ALIKAKOS: Objection.

1 KLEEMAN

2 A. No.

3 MR. RECCHIA: Okay, could you
4 please scroll down, MJ, just to show
5 section six?

6 (Whereupon, the document was
7 scrolled on the screen for the
8 parties to share.)

9 MR. RECCHIA: Thank you. There
10 we go.

11 Q. Sir, do you see the word
12 "subcontract" or "subcontractor" anywhere
13 on section six of this contract?

14 A. No.

15 MR. RECCHIA: Okay, scroll
16 down, please, MJ.

17 I'm going to note again for the
18 record that it appears that Mr.
19 Kleeman's counsel is speaking to Mr.
20 Kleeman.

21 I'll ask you not to.

22 MR. RAVA: I have not said a
23 word to Mr. Kleeman, so I resent that
24 and I respectfully request can you
25 stop making statements on the record

1 KLEEMAN

2 that are not accurate?

3 MR. RECCHIA: Well, I
4 apologize, but I heard something.

5 MR. RAVA: I did not say a word
6 and you can move on right now.

7 MR. RECCHIA: I guess it was
8 Mr. Kleeman speaking out loud, so I
9 apologize if that's all that it was.

10 MR. RAVA: You should apologize
11 and you should move on.

12 MR. RECCHIA: Alright, MJ, can
13 you please scroll so that we see
14 section seven, if it's possible, and
15 if not, we'll just take it section by
16 section. Alright, that's fine.

17 (Whereupon, the document was
18 scrolled on the screen for the
19 parties to share.)

20 Q. Sir, can you see section seven
21 here displayed on the screen?

22 A. Yes.

23 Q. Okay, do you see the word
24 "subcontract" or the word "subcontractor"
25 anywhere on section seven of this contract?

1 KLEEMAN

2 A. No.

3 MR. RECCHIA: Okay, MJ, would
4 you please scroll to Section 8, oh,
5 good and maybe now you can go to a
6 slightly large size, if you don't
7 mind.

8 (Whereupon, the document was
9 scrolled on the screen for the
10 parties to share.)

11 Q. Sir, do you see sections eight,
12 nine and ten of this contract?

13 A. Yeah, yes.

14 Q. Thank you.

15 Okay, and do you see the word
16 "subcontract" or the word "subcontractor"
17 in section 8, section nine or section ten?

18 A. No.

19 MR. RECCHIA: Okay, see what we
20 can look at, MJ, eleven, and see what
21 else is there.

22 (Whereupon, the document was
23 scrolled on the screen for the
24 parties to share.)

25 MR. RECCHIA: Thank you.

1 KLEEMAN

2 Q. Alright, do you see section
3 eleven, sir?

4 A. Yes.

5 Q. Do you see the word
6 "subcontract" or "subcontractor" anywhere
7 on section eleven?

8 A. No.

9 MR. RECCHIA: Okay, see if we
10 can show section twelve, please.

11 (Whereupon, the document was
12 scrolled on the screen for the
13 parties to share.)

14 MR. RECCHIA: Okay, good.

15 Q. Sir, do you see section twelve
16 displayed on the screen on this contract
17 that we've been talking about?

18 A. Yes.

19 Q. Do you see the word
20 "subcontract" or "subcontractor" anywhere
21 on section twelve?

22 A. No.

23 MR. RECCHIA: Okay, MJ, please,
24 let's see what section you can show.

25 MS. ALIKAKOS: I'm just going

1 KLEEMAN

2 to object --

3 MR. RECCHIA: Sure.

4 MS. ALIKAKOS: (Continuing) to
5 the extent that that document speaks
6 for itself and the words, whatever
7 words are contained therein.

8 MR. RECCHIA: Noted, counsel,
9 noted, counsel, thank you.

10 Go back up, please, MJ, I'm
11 sorry, so section thirteen, oh, yes.

12 (Whereupon, the document was
13 put up on the screen for the parties
14 to share.)

15 Q. Sir, do you see section
16 thirteen? Twelve is not all displayed.
17 Yes, alright, sir, do you see section
18 thirteen? Can you see it?

19 A. Yes.

20 Q. Okay, do you see the word
21 "subcontractor" anywhere on this section?

22 A. No.

23 MR. RECCHIA: Okay, let's
24 scroll down, please.

25 (Whereupon, the document was

1 KLEEMAN

2 put up on the screen for the parties
3 to share.)

4 MR. RECCHIA: We'll skip
5 section fourteen unless anybody has
6 any objection.

7 Alright, stop there, please,
8 and see if you can make that larger.

9 MR. GASTMAN: Yes, I have an
10 objection. The document speaks for
11 itself. Is there other stuff you
12 have to ask this guy?

13 MR. RECCHIA: Well, you can't.
14 It's not your witness. Are you
15 directing him not to answer? What
16 are you saying?

17 MR. GASTMAN: Of course not,
18 I'm saying objection and the document
19 speaks for itself. I'm not getting
20 paid by the hour.

21 MR. RECCHIA: That's fine.
22 That's fine.

23 Q. Sir, do you see section
24 fifteen?

25 (Whereupon, the document was

1 KLEEMAN

2 scrolled on the screen for the
3 parties to share.)

4 A. Yes.

5 Q. Okay, and are you able to see
6 section sixteen as well?

7 MR. RECCHIA: Yes, we'll have
8 to do it separately. I'm sorry.

9 (Whereupon, the document was
10 scrolled on the screen for the
11 parties to share.)

12 Q. Can you see section sixteen
13 that we have on the screen, sir?

14 A. Yes.

15 Q. Okay, does the word
16 "subcontract" or "subcontractor" appear
17 anywhere on section sixteen?

18 A. Not that I see.

19 MR. RECCHIA: Okay, alright,
20 thank you, MJ. Can you please put up
21 the next document that has "A.S.K."
22 on the upper left corner, please?
23 This will be Exhibit B. Please mark
24 that as Exhibit B.

25 (Whereupon, the A.S.K.

1 KLEEMAN

2 Electrical Contracting Corp. Master
3 Subcontract Agreement was deemed
4 marked as Defendant's Exhibit B for
5 identification as of this date by the
6 court reporter and was put up on the
7 screen for the parties to share.)

8 Q. Sir, can you see this document
9 that we marked as Exhibit B?

10 A. I see the first paragraph of
11 it.

12 Q. Okay, on the upper left,
13 there's a logo that appears to say "A.S.K.
14 Electrical Contracting". Do you see that?

15 A. Yes.

16 Q. Alright, and on the top middle
17 it says "A.S.K. Electrical Contracting
18 Corp." Do you see that?

19 A. Yes.

20 Q. Okay, and in the first
21 paragraph it says, "This Master Subcontract
22 Agreement (subcontract) made this 12th,
23 March, 2019 by and between A.S.K.
24 Electrical Contracting Corp. (hereinafter
25 contractor) with an office and principal

1 KLEEMAN

2 place of business at 26-60 BQE West, unit
3 2, Woodside, New York 11377 and Kalnitech
4 (hereinafter subcontractor)." Do you see
5 that?

6 A. Yes.

7 Q. Have you ever seen this
8 document before today?

9 A. Yes.

10 Q. Okay, do you know who drew up
11 this contract?

12 A. Again that's a standard
13 subcontract, a standard subcontract
14 document, that we use for business. It's a
15 standard agreement.

16 Q. Well, what I want to know is
17 did someone in your office write the things
18 that are written here by handwriting as
19 "12th, March" and the year "2019" and the
20 word "Kalnitech"? Did somebody in your
21 office write that?

22 A. Yes, my office administrator,
23 Kavita.

24 Q. Okay, did Kavita or anyone else
25 in your office type up the document before

1 KLEEMAN

2 the handwritten things were placed there?

3 A. No, as I mentioned before, it's
4 a standard agreement that we use.

5 Q. A standard agreement between a
6 contractor and a subcontractor?

7 MS. ALIKAKOS: Objection.

8 MR. RAVA: Objection.

9 Q. You can answer, sir.

10 A. I'm not sure which documents
11 she uses, so I'm going to say I'm not sure
12 right now.

13 MR. RECCHIA: Okay, MJ, would
14 you mind scrolling down to where
15 there are some signatures on the
16 bottom here of this document.

17 (Whereupon, the document was
18 scrolled on the screen for the
19 parties to share.)

20 MR. RECCHIA: Great, there it
21 is.

22 Q. Sir, I'm showing you now what
23 appears to be a signature page on this
24 document that's marked as Exhibit B. Again
25 there's an "A.S.K." logo on the upper left.

1 KLEEMAN

2 Do you see that?

3 A. Yes.

4 Q. In the center of the page, it's
5 also typed "A.S.K. Electrical Contracting
6 Corp." Do you see that?

7 A. Yes.

8 Q. Alright, and there are some
9 signature blocks. Do you see them?

10 A. Yes.

11 Q. On the left side, there is in
12 all capitals with a colon the word
13 "subcontractor". Do you see that?

14 A. Yes.

15 Q. Then there's the name typed in,
16 "Gus Stoupakis, president". Do you see
17 that?

18 A. Yes.

19 Q. Is this the Gus that you were
20 referring to today earlier in your
21 testimony?

22 A. Yes.

23 Q. Earlier today, I believe you
24 testified that Gus was the general
25 contractor for the job, is that correct?

1 KLEEMAN

2 A. Correct.

3 Q. Alright, take a look at the
4 right-hand side signature block. Do you
5 see that?

6 A. Yes.

7 Q. Again there's a word that's
8 typed in all capitals. It's the word
9 "contractor" and then there's a colon and
10 then there are the words typed, "A.S.K.
11 Electrical Contracting Corp." Do you see
12 that?

13 A. Yes.

14 Q. Okay, and then there's a
15 signature there and then there is typed the
16 name "David Kleeman" and "title,
17 president". Do you see that?

18 A. Yes.

19 Q. Is that your signature on this
20 document, sir?

21 A. Yes.

22 Q. Did you sign the document on
23 March 12, 2019?

24 A. Yes.

25 Q. When you signed this document

1 KLEEMAN

2 as the president of A.S.K. Electrical
3 Contracting Corp., did you sign it with the
4 understanding that A.S.K. Electrical
5 Contracting Corp. was the contractor and
6 Gus Stoupakis was the subcontractor?

7 MS. ALIKAKOS: Objection.

8 A. No.

9 MR. RECCHIA: Okay, thank you,
10 MJ. Let's put up the other two
11 documents we have, please.

12 (Whereupon, the Department of
13 State Division of Corporations Entity
14 Information for A.S.K. Electrical
15 Corp. was deemed marked as
16 Defendant's Exhibit C for
17 identification as of this date by the
18 court reporter and was put up on the
19 screen for the parties to share.)

20 Q. Sir, we have on the screen a
21 printout from the New York State Department
22 of State Division of Corporations. Do you
23 see that? On the top it says "Department
24 of State Division of Corporations"?

25 A. Correct, yes.

1 KLEEMAN

2 Q. Okay, and over on the left
3 side, it says "entity name" and then it
4 says "A.S.K. Electrical Corp." Do you see
5 that?

6 A. Yes, "A.S.K. Electrical Corp.",
7 correct.

8 Q. Alright, and do you see the
9 date of filing? It looks like August 26,
10 2010.

11 A. Yes, yes.

12 Q. Do you see that?

13 A. Yes.

14 Q. Okay, has A.S.K. Electrical
15 Corp. changed its name from A.S.K.
16 Electrical Corp. to any other name since
17 August 26, 2010?

18 A. Okay, we had a name change. We
19 did have a name change. I'm not exactly
20 sure of the date, but it used to be
21 "Contracting" like I mentioned earlier.
22 This name --

23 Q. I'm sorry. I didn't mean to
24 cut you off.

25 A. This name is a newer entity,

1 KLEEMAN

2 okay? In relation to this deposition, I
3 believe it's Contracting Corp., so do we
4 have the right thing up?

5 Q. My question simply is, sir,
6 since August 26, 2010, as far as you know,
7 has A.S.K. Electrical filed any other name
8 change with the New York State Division of
9 Corporations?

10 A. Not that I remember.

11 Q. Okay.

12 A. I don't know. I would have to
13 check the dates. I don't recall dates very
14 well.

15 Q. When this document was filed on
16 or about August 26, 2010, did an attorney
17 do that for your office?

18 A. I don't recall.

19 MR. RECCHIA: Okay, would you
20 please scroll down a little bit, MJ?

21 (Whereupon, the document was
22 scrolled on the screen for the
23 parties to share.)

24 MR. RECCHIA: Alright, hold it
25 right there. Thank you.

1 KLEEMAN

2 Q. Sir, about the middle of the
3 page it's a little bit faint, but it says
4 "chief executive officer's name and
5 address". Do you see that?

6 A. Yes.

7 Q. It says "Shainah Kleeman". I
8 believe you referred to this earlier and
9 that's your daughter, correct?

10 A. Yes.

11 Q. Is Ms. Kleeman still the chief
12 executive officer of A.S.K. Electrical
13 Corp.?

14 A. She is.

15 Q. Are you also an officer of that
16 corporation?

17 A. I am.

18 Q. What is your title in the
19 corporation, sir?

20 A. Vice president.

21 MR. RECCHIA: Okay, alright,
22 thank you, MJ. Let's go to the next
23 one. This will be marked as Exhibit
24 D, please.

25 (Whereupon, the Department of

1 KLEEMAN

2 State Division of Corporations Entity
3 Information of Davs Partners LLC was
4 deemed marked as Defendant's Exhibit
5 D for identification as of this date
6 by the court reporter and was put up
7 on the screen for the parties to
8 share.)

9 Q. Okay, sir, do you see this
10 document that we've marked as Exhibit D?
11 It says "Department of State Division of
12 Corporations" at the top.

13 A. Yes.

14 Q. Again over on the left it says
15 "entity name" and then it says "Davs
16 Partners LLC". Do you see that?

17 A. Yes.

18 Q. Okay, and it looks like this
19 was filed on December 4 of 2018. Do you
20 see that?

21 A. Yes.

22 Q. Okay, do you know if an
23 attorney filed this for your company or
24 someone else?

25 A. I don't recall.

1 KLEEMAN

2 Q. Okay, would you have any kind
3 of documents somewhere in your office that
4 would indicate who filed this for your
5 office, whether Kavita or yourself or your
6 wife or anyone else? Would you have any
7 documents that would reflect who had filed
8 this on behalf of Davs?

9 MR. RAVA: Objection. It's not
10 relevant. Move on.

11 MR. RECCHIA: Counselor, are
12 you directing the witness not to
13 answer?

14 MR. RAVA: Yes, I am. Move on.

15 MR. RECCHIA: Number one,
16 relevance is not an objection.

17 MR. RAVA: Mark it for a
18 ruling.

19 MR. RECCHIA: It's not an
20 objection. Relevancy is not a proper
21 objection.

22 MR. RAVA: Move on. It's
23 totally irrelevant to this action.
24 It's totally irrelevant to this
25 action.

1 KLEEMAN

2 MR. RECCHIA: Are you directing
3 the witness not to answer?

4 MR. RAVA: I am. I've been
5 clear about that, yes.

6 MR. RECCHIA: Could I have the
7 question? May I have that question,
8 please, MJ?

9 (Whereupon, the referred to
10 record was read back by the court
11 reporter.)

12 MR. RECCHIA: Okay, thank you.
13 You're directing your witness
14 not to answer that question?

15 MR. RAVA: I am objecting and
16 he is not answering. Move on.

17 MR. RECCHIA: Well, with
18 respect to that, you can't tell me to
19 move on.

20 MR. RAVA: On the record, move
21 on.

22 MR. RECCHIA: I would just like
23 to note so you are directing the
24 witness not to answer, is that
25 correct?

1 KLEEMAN

2 MR. RAVA: This is wholly
3 irrelevant to this action.

4 MR. RECCHIA: I will just note
5 for the record --

6 MR. RAVA: It's a valid
7 objection. Sir, you can note
8 whatever you want. Move on.

9 MR. RECCHIA: I will just note
10 for the record I'm sure Mr. Rava is
11 aware that pursuant to the Rules 22
12 NYCRR Section 221.1, "Objections at
13 depositions. Objections in general.
14 No objections shall be made at a
15 deposition except those which,
16 pursuant to subdivision (b), (c) or
17 (d) of Rule 3115 of the CPLR, would
18 be waived if not interposed, and
19 except in compliance with subdivision
20 (c) of such rule. All objections
21 made at a deposition shall be noted
22 by the officer before whom the
23 deposition is taken, and the answer
24 shall be given and the deposition
25 shall proceed subject to the

1 KLEEMAN

2 objections and to the right of a
3 person to apply for appropriate
4 relief pursuant to Article 31 of the
5 CPLR." In light of that rule, sir,
6 are you still directing your witness
7 not to answer?

8 MR. RAVA: Move on. I'm
9 objecting.

10 MR. RECCHIA: I'll take that
11 answer as a yes.

12 MJ, please mark that for a
13 ruling.

14 Would you please scroll down
15 just a little bit more on this
16 document, Exhibit D.

17 (Whereupon, the document was
18 scrolled on the screen for the
19 parties to share.)

20 MR. RECCHIA: Thank you.
21 That's good. That's good.

22 Q. Interesting, alright, sir, do
23 you see here it says in gray it says
24 "entity display" and then it says "service
25 of process on the Secretary of State as

1 KLEEMAN

2 agent". Do you see that?

3 A. Yes.

4 Q. Do you see that the person to
5 whom service and process will be directed
6 for this corporation is Vanessa Kleeman at
7 Maple Drive, Saint James, New York?

8 A. Yes.

9 Q. I believe you testified that
10 Vanessa Kleeman is your wife, correct, sir?

11 A. Yes.

12 Q. Okay, and are you also an
13 officer in Davs LLC?

14 A. Yes.

15 Q. What is your position with
16 Davs, sir?

17 A. I'm an officer of the company.

18 Q. Are you vice president,
19 president or something else?

20 A. Vice president, I believe.

21 Q. Alright, okay, I believe you
22 testified earlier that you would visit this
23 site that we're talking about at 217-14
24 Hempstead Avenue, Queens Village, New York
25 approximately twice a week. Did I hear you

1 KLEEMAN

2 correctly?

3 A. Yes.

4 Q. Okay.

5 A. I would visit it a couple of
6 times.

7 Q. Okay, alright, did you ever
8 sequence any of the workers who were
9 responsible for any of the work being
10 sequenced at the jobsite?

11 A. Can you be more specific when
12 you say "sequence"?

13 Q. Sure, and when I refer to the
14 jobsite, you understand that I'm talking
15 about the 217-14 site, right?

16 A. Yes.

17 Q. Did you set any deadlines or
18 schedules for any of the phases of the work
19 to be completed at this jobsite?

20 A. That was coordinated with Gus
21 through Kalnitech.

22 Q. Right, what I want to know is
23 did you set the schedules, did Gus set the
24 schedules, did both of you do it together
25 or something else?

1 KLEEMAN

2 A. Well, there were different
3 contractors and subcontractors, so, yes,
4 Gus would set the schedules of the
5 contractors.

6 Q. Did you have any input into
7 setting the schedules or the deadlines for
8 the various work to be performed at the
9 jobsite?

10 A. For my electricians, yes.

11 Q. Did you have to set any
12 deadlines for any of the other work done by
13 any of the other subcontractors, et cetera?

14 A. That was again coordinated
15 through Gus.

16 Q. Is it your testimony that you
17 did not set any deadlines or schedules for
18 this jobsite except for the A.S.K.
19 Electrical workers?

20 MS. ALIKAKOS: Objection.

21 Asked and answered. Objection.

22 MR. RAVA: Objection. Asked
23 and answered.

24 Go ahead. You can answer.

25 A. I didn't hear the question.

1 KLEEMAN

2 MR. RAVA: Repeat it.

3 Q. Did you, Mr. Kleeman, hire any
4 kind of expediter to move any paper work to
5 the New York City Department of Buildings
6 for any work done at this jobsite?

7 A. Yes, that was part of the
8 expediters on the job. Correct, the
9 architects who designed the drawings were
10 the actual expediters for the job as well.

11 Q. Okay, alright, so the
12 architects were also the expediters, is
13 that correct?

14 A. Correct, that firm used their
15 expediters to expedite the project,
16 correct.

17 Q. Alright, who were the
18 architects for the job, sir?

19 A. Built-In is the name of the
20 company.

21 Q. Okay, would that be B-U-I-L-T -
22 In or something else?

23 A. B-U-I-L-T, Built-In, B-U-I-L-T.

24 Q. "Built-In", okay, is that one
25 word?

1 KLEEMAN

2 A. I think there's a hyphen in
3 between.

4 Q. Alright, and where did Built-In
5 have their offices back in 2019, if you
6 know?

7 A. In Manhattan.

8 Q. Okay.

9 A. I don't know the exact address,
10 but I've been there.

11 Q. Alright, and did you, David
12 Kleeman, as a representative of Davs sign
13 any contract with Built-In?

14 A. Not as Davs, no.

15 Q. Did you, David Kleeman, as a
16 representative of A.S.K. sign any contract
17 with Built-In?

18 A. Yes.

19 MR. RECCHIA: Okay, of course,
20 I will follow up in writing and make
21 a demand for any contract between
22 A.S.K. or Mr. Kleeman and Built-In.

23 MR. RAVA: I'm going to object
24 to your request for documents with
25 respect to A.S.K. I'm objecting to

1 KLEEMAN

2 any request for documents from A.S.K.

3 -----

4 Q. Sir, did you keep a project
5 file for this project?

6 A. I kept some records, yes, paper
7 work, if that's what you call a project
8 file.

9 Q. Alright, when you say you kept
10 paper work, did you keep that in the
11 offices of A.S.K. Electrical or something
12 else?

13 A. Yes, it was kept with A.S.K.
14 Electrical.

15 Q. Okay, when you would visit the
16 jobsite roughly two times a week, did you
17 ever give any direction to any of the
18 subcontractors working at the site besides
19 A.S.K. Electrical's workers?

20 MR. RAVA: Objection to the
21 form.

22 You can answer over the
23 objection.

24 A. No, unless there was a
25 contractor that I brought in but for the

1 KLEEMAN

2 most part, no.

3 Q. Dwayne Hudson was your foreman,
4 that is, the foreman for A.S.K. Electrical
5 at the site, correct?

6 A. Yes.

7 Q. Okay, do you know if Dwayne
8 Hudson ever kept any daily work logs at the
9 site?

10 A. Not to my knowledge other than,
11 like I mentioned earlier, in his toolbox
12 talks and whatever he was required to keep.

13 Q. Okay, did he record those, you
14 know, on any type of log sheet, these
15 toolbox talks?

16 A. I would have to look into that
17 to see if they're still around on top of a
18 gangbox somewhere.

19 Q. Okay, would you have kept any
20 of those toolbox talk records in the
21 project file that you maintained for this
22 project?

23 A. I didn't say I maintained a
24 project file. I just had some papers.

25 Q. Alright, would you have

1 KLEEMAN

2 maintained any of those toolbox talk logs
3 or records or sheets in the paper work you
4 kept in this file?

5 A. Again that would be something
6 that I would need to check out with my
7 superintendent and my office that we would
8 normally turn them into and see if we still
9 have it if we have them.

10 Q. Alright, who was your
11 superintendent at the time back in June of
12 2019?

13 A. Asif Jumedeem, Asif, A-S-I-F,
14 Jumedeem, J-U-M-E-D-E-E-N.

15 Q. Did Mr. Jumedeem work in the
16 office of A.S.K., did he ever go to the
17 site, some combination of those --

18 A. No.

19 Q. (Continuing) or something else?

20 A. No, he was on the project,
21 never visited the site.

22 Q. He only worked --

23 A. Oh, I shouldn't say that. No,
24 strike that. I mean he had visited the
25 site. He did visit the site and see

1 KLEEMAN

2 Dwayne, correct.

3 Q. Alright, did he do that just
4 one time or did he do that, you know,
5 periodically or something else?

6 A. Probably once a week.

7 Q. Okay.

8 A. If that.

9 Q. I'm sorry?

10 A. I said probably once a week, if
11 that, but it was a slow project that he was
12 involved with.

13 Q. Alright, did you ever give any
14 instructions to Mr. Jumedeem to convey to
15 Mr. Hudson about the project and the work
16 in progress?

17 A. Yes, Mr. Jumedeem worked on the
18 project and early on he did the electrical
19 service physically himself.

20 Q. Okay, so he's an electrician as
21 well?

22 A. Yeah, yes, he's the
23 superintendent.

24 Q. Okay, do you know if Mr.
25 Jumedeem kept any records of the progress

1 KLEEMAN

2 of the work at the site?

3 A. No, he did not.

4 Q. Okay, alright, do you know did
5 you, Mr. Jumedeen, Mr. Hudson or anyone
6 else maintain any progress photos of the
7 work in progress from the jobsite?

8 A. I would have to say that is a
9 question that I can't answer for them. I
10 have some pictures that I've taken, you
11 know, along the way.

12 Q. So the answer is, yes, you did
13 take some progress photos of the project?

14 A. No, I said I did. I don't know
15 about them, but I said I did.

16 Q. I'm asking you. I'm sorry, so
17 let me rephrase it. I apologize.

18 Did you take any progress
19 photos of the work on the site of this
20 project?

21 A. Yes.

22 Q. Okay, where are those photos
23 now, sir?

24 A. Probably in my phone.

25 Q. Alright, I'm going to ask that

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2 you please preserve them.

3 MR. RECCHIA: We will make a
4 demand in writing and we'll follow
5 that up and ask for any photos,
6 progress photos, from the site of
7 this accident up until the date of
8 the accident taken by Mr. Kleeman.

9

10 -----
11 Q. Was there any separate security
12 company that was on the site that was hired
13 by you for the site?

14 A. No.

15 Q. How was the site secured in the
16 hours when work wasn't being done? Do you
17 know?

18 A. I think Gus would just secure
19 the site at the end of the day.

20 Q. How would that happen?

21 A. He had the keys and he locked
22 up.

23 Q. Okay, you mean the building
24 itself?

25 A. Yes.

Q. Okay, did A.S.K. Electrical

1 KLEEMAN

2 provide a gangbox that was located on the
3 site?

4 MR. RAVA: I couldn't hear the
5 full question. May Jean, can you
6 read it back?

7 (Whereupon, the referred to
8 record was read back by the court
9 reporter.)

10 A. Yes.

11 Q. Okay, and was that gangbox for
12 the use of A.S.K. Electrical's workers, was
13 it for the use of other contractors on the
14 site or something else?

15 A. A.S.K. solely for A.S.K.'s
16 workers.

17 Q. Okay, what kind of equipment
18 was kept in the gangbox?

19 A. Men's hand tools, personal
20 tools, men's personal tools.

21 Q. Men's? You mean workers'
22 personal tools?

23 A. Yeah, yeah, yeah, workers'
24 personal tools, the guys' personal tools,
25 tool bags.

1 KLEEMAN

2 Q. Okay, tool bags, hand tools and
3 any kind of hand-powered tools and things
4 like that?

5 A. Correct.

6 Q. Was there any kind of safety
7 equipment that was kept in that gangbox
8 that was used by any other contractors on
9 the site?

10 A. Not to my knowledge.

11 Q. Okay, who actually placed the
12 gangbox on the site? Was it an A.S.K.
13 Electrical worker or someone else?

14 A. It had to be an A.S.K.
15 Electrical worker. Who else was going to
16 bring it to the site?

17 Q. Yes, but do you know?

18 A. Do I know who it was personally
19 who brought the box to the site?

20 Q. Yes.

21 A. In 2019, no.

22 Q. Okay, were there blueprints on
23 the site that other trades were able to
24 look at as they performed work on the site?

25 A. Every trade was provided with a

1 KLEEMAN

2 set of blueprints.

3 Q. Right, okay, and who provided
4 the blueprints?

5 A. It depends on who you're
6 asking. Gus provided them for the
7 contractors that he needed them for and I
8 provided them to my guys.

9 Q. Well, who provided the
10 blueprints to Gus?

11 A. We're a contracting business.
12 I have a machine that prints them out, so
13 there were ones that Gus printed it on his
14 own and there were some that were printed
15 out by the architects.

16 Q. When you say that Gus printed
17 it out on his own, where did they come
18 from? Did they come from a computer that
19 A.S.K. Electrical kept, did they come from
20 the architects' office or someplace else?

21 A. They came from the architects'
22 office. There are e-mails, I guess, that
23 were sent out from the architects' office,
24 absolutely.

25 Q. Okay, did you ever provide any

1 KLEEMAN

2 blueprints to any of the other
3 subcontractors on the site?

4 A. I provided them for my guys,
5 A.S.K. Electrical.

6 Q. Did you provide blueprints to
7 any of the other subcontractors working on
8 the site?

9 A. Again I printed out drawings
10 and gave them to Gus from Kalnitech.

11 Q. Right, and forgive me if I
12 didn't hear your answer. What I'm asking
13 is did you yourself or did A.S.K.
14 Electrical provide blueprints to any of the
15 other subcontractors on the site?

16 A. No, there was a set of drawings
17 that was onsite that everybody used just
18 for the record.

19 Q. Okay, who brought that set of
20 drawings to the site?

21 A. Me.

22 Q. Okay.

23 A. Again I told you I have a
24 printer. We printed them out.

25 Q. You got the blueprints from the

1 KLEEMAN

2 architects, you printed them out in your
3 office and then took them over to the site,
4 correct?

5 A. And then put them on the
6 jobsite and then there was a set of
7 drawings on the jobsite that Gus
8 maintained, correct.

9 Q. The blueprints that you
10 provided to the site, were they kept in the
11 gangbox or were they kept in another place
12 or something else?

13 A. They were kept out for everyone
14 to use.

15 Q. Okay, was there an office
16 onsite that all the contractors could use,
17 you know, to look at the blueprints or do
18 anything else they might need to do?

19 A. No, but there was an area where
20 there was a big table that they kept the
21 blueprints on and everybody addressed them
22 as needed.

23 Q. Who brought that table to the
24 site?

25 A. That I don't know.

1 KLEEMAN

2 Q. Okay, was that table left out
3 in the open at the end of work at the end
4 of the day or was it placed inside
5 somewhere or something else?

6 A. Again I wasn't there everyday,
7 so I can't answer that question because
8 every time I came there the table was in a
9 different place.

10 Q. Okay, alright, now if I heard
11 you correctly -- and correct me if I'm
12 wrong -- you hired some of the
13 subcontractors for the site, is that
14 correct, or no?

15 A. Yes.

16 Q. Okay, alright, did you hire any
17 mechanical subcontractors for the site?

18 MR. RAVA: Note my objection to
19 the term "you".

20 Go ahead. You can answer.

21 A. There was a plumber. Again you
22 have to remember in the industry, you know,
23 we work with other contractors, so, yes, I
24 had brought in a couple of contractors.

25 Q. Okay, and I'm trying to find

1 KLEEMAN

2 out specifically what were the other
3 subcontractors that you brought in, and
4 when I'm referring to "you", I'm referring
5 either to you as David Kleeman or David
6 Kleeman as, I believe, the president of
7 A.S.K. Electrical. Fair enough?

8 A. Yes.

9 Q. Alright, so I'm going to ask
10 you again in your capacity as the president
11 of A.S.K. Electrical bring in or hire any
12 mechanical contractors or subcontractors
13 for the site?

14 MR. RAVA: Note my objection.
15 You can answer.

16 A. Yes.

17 Q. Alright, and the same question,
18 did you or did A.S.K. Electrical hire any
19 HVAC contractors or subcontractors for the
20 site?

21 MR. RAVA: Just note my
22 objection.

23 You can answer.

24 A. Yes.

25 Q. Okay, did you or did you in

1 KLEEMAN

2 your capacity as the president of A.S.K.
3 Electrical hire any plumbers for the site?

4 MR. RAVA: Objection. Asked
5 and answered.

6 Go ahead.

7 A. Yes.

8 Q. Okay, did you or you in your
9 capacity as the president of A.S.K.
10 Electrical hire any masons for the site?

11 MR. RAVA: Objection.

12 A. No, Kalnitech brought in the
13 masons.

14 Q. Okay, did you hire any other
15 subcontractors besides mechanical, HVAC or
16 plumbers?

17 A. A roofing contractor.

18 Q. Okay, now when you hired any of
19 these subcontractors, mechanical, HVAC,
20 plumbers or roofing, did you or in your
21 capacity as the president of A.S.K. sign
22 any contracts with any of these
23 subcontractors?

24 MR. RAVA: Objection.

25 You can answer.

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2 A. I've got to check.

3 Q. Okay, is it possible that you
4 signed some contracts with these
5 subcontractors?

6 A. I would have to check.
7 Honestly I don't recall.

8 MR. RECCHIA: Okay, alright,
9 I'll just make a note that we'll make
10 a demand in writing. Of course,
11 we'll follow up.

12 -----
13 Q. Was there someone in your
14 office who was responsible for drawing up
15 any contracts that may have been drawn up
16 between A.S.K. Electrical and any of the
17 subcontractors?

18 MR. RAVA: Objection.
19 You can answer over my
20 objection.

21 A. I would have to check.

22 Q. Okay, alright, now let's talk
23 about JIM.

24 MR. RECCHIA: Off the record.
25 (Whereupon, an off-the-record

1 KLEEMAN

2 discussion was held.)

3 Q. Let's talk about JIM. I think
4 before we were calling it JM, but I think
5 the company is JIM Associates, am I right,
6 sir, or correct me if I'm wrong.

7 A. JIM Associates, I believe.

8 Q. Right, and JIM Associates was
9 also a subcontractor at this jobsite,
10 weren't they?

11 A. Correct.

12 Q. Okay, did you hire JIM
13 Associates, did Gus hire them or something
14 else for the jobsite?

15 A. Well, Gus had a relationship
16 with them prior. He brought them in and
17 they worked in terms of the contract. Gus
18 just said, you know, pay them directly.
19 Towards the end of the job, they were doing
20 all the finish work. Gus just said, you
21 know, pay them directly.

22 Q. Well, as you said, Gus said to
23 pay them directly. Does that mean that JIM
24 Associates received payment from A.S.K.
25 Electrical or from some other entity?

1 KLEEMAN

2 A. From A.S.K. Electrical.

3 MR. RAVA: Off the record.

4 (Whereupon, an off-the-record
5 discussion was held.)

6 MR. RECCHIA: Can I have the
7 last question and answer, please?

8 (Whereupon, the referred to
9 record was read back by the court
10 reporter.)

11 Q. Did A.S.K. Electrical sign a
12 contract or enter into a contract with JIM
13 Associates for this job?

14 A. Yes.

15 Q. Okay, did you sign that
16 contract on behalf of A.S.K.?

17 A. I believe so.

18 MR. RECCHIA: Okay, alright,
19 again to the extent that it hasn't
20 already been provided, which I don't
21 think it has, I will call for a copy
22 of the contract between A.S.K. and
23 JIM. Of course, we'll put it in
24 writing.

25 MR. RAVA: I'm objecting to any

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request for documents.

Q. Sir, earlier in the deposition,
actually close to the beginning, I believe
you testified when Mr. Gastman was asking
you questions that you reviewed a
deposition transcript sometime in the past.
Do you remember that?

A. Yes.

Q. Am I characterizing your
testimony accurately?

MR. RAVA: I object to the
characterization of his response, but
what was your question?

Q. Did you testify earlier today
that you had read a transcript of testimony
from this case at some point in the past?

A. I did not read it. I opened
the mail and I did not read it. I saw the
size of it and put it back in the folder.
I did not read it at all (indicating).

Q. Did you ever read the
transcript of the testimony of Dwayne
Hudson in this case?

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2 A. No.

3 Q. Did you ever learn about any of
4 the substance of Dwayne Hudson's testimony
5 in this case?

6 MR. RAVA: Objection.

7 A. No.

8 Q. Alright, did anybody ever tell
9 you anything about the substance of Dwayne
10 Hudson's testimony in this case?

11 MR. RAVA: Objection.

12 A. No.

13 Q. Okay, did you ever sign a
14 waiver of lien with JIM Associates Corp.
15 whereby JIM Associates released Davs from a
16 lien in the amount of \$62,891.00?

17 MR. RAVA: Do you have the
18 waiver of lien that you're referring
19 to that you can show us?

20 MR. RECCHIA: Are you directing
21 the witness not to answer the
22 question, counsel?

23 MR. RAVA: I'm asking you can
24 you show him the document that you
25 seem to be reading from and it would

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only be common courtesy for you to supply us with a copy of the document that you're referencing.

MR. RECCHIA: Counsel, are you directing the witness not to answer the question?

MR. RAVA: I'm asking you to supply us with the document that you're referencing. If you're going to ask my client about a document that you are acting as though you have, you should show it to him.

MR. RECCHIA: Counsel, I don't have the document, but I am referring to testimony, so if you wait a second, I'll be happy to provide it.

MR. RAVA: Does the document exist?

MR. RECCHIA: Are you directing the witness not to answer the question? Are you directing the witness not to answer, counsel?

MR. RAVA: I want to know if you have the document.

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MR. RECCHIA: I don't have the waiver, but I have testimony about the waiver, but I don't need to tell you about that, but that's alright. Are you directing the witness not to answer? I will find the testimony.

MR. RAVA: I want to see the document that you're referencing.

MR. RECCHIA: I just told you I don't have it, but I have testimony.

MR. RAVA: Well, what's your question, Mr. Recchia?

MR. RECCHIA: Can you please read back the question, MJ?

(Whereupon, the referred to record was read back by the court reporter.)

Q. That was the question. Would you answer that question, sir.

MR. RAVA: You can answer.

A. I don't recall. I would have to see the document to see if my signature's on it. I don't recall.

Q. Alright, I'm going to read some

1 KLEEMAN

2 testimony into the record because I do not
3 have the lien itself. I am going to be
4 reading and then I will be asking you some
5 further questions. I will be reading the
6 testimony of Dwayne Hudson. The testimony
7 was taken on April 11, 2022. Present at
8 that deposition was Kenneth Klein from
9 Gorayeb, present at the deposition was
10 Keith Richman from Richman & Levine
11 representing Davs Partners and at the time
12 Robert Brigantic for the offices of Michael
13 Swimmer representing Kalnitech
14 Construction, so I'm going to be reading
15 from that deposition. I'll try to be clear
16 about the pages I'm reading from. Again
17 this was the deposition from Hudson. I
18 will begin reading. I will start reading
19 from page 103.

20 MS. ALIKAKOS: Let me just put
21 my objection on the record. I'm
22 certainly not directing anything, but
23 let me make clear that we're
24 objecting to any testimony read in at
25 a deposition of a witness to the

1 KLEEMAN

2 extent that you are asking this
3 witness on behalf of A.S.K.
4 Electrical whether any of this
5 deposition testimony, which he wasn't
6 a party to and/or reviewed, to the
7 extent that they're asking any
8 questions about that. It's whatever
9 his knowledge is.

10 MR. RECCHIA: This goes to --

11 MS. ALIKAKOS: It's outside the
12 scope. Okay, I just need to protect
13 my interest. To the extent that
14 you're asking the witness with
15 respect to any testimony that a prior
16 deponent made to which A.S.K.
17 Electrical was not a party to the
18 lawsuit and/or reading it as a fact,
19 I'll object to that and mark that and
20 call it improper and that's all.

21 MR. RECCHIA: Okay.

22 Q. Alright, so starting at page
23 103 of Dwayne Hudson, "Question. Have you
24 ever seen a waiver of lien?" "Answer," by
25 Mr. Hudson, "No, never seen. "Question.

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Have you ever signed one? Answer. No."

By Mr. Brigantic, "I am going to show you Defendant's Exhibit C. Did you see what I put up on the screen? "Answer," by Mr.

Hudson, "Yes. Question. Can you read off the very top line which is the title of the document? Answer. Final combined waiver of lien and general release. Question.

You never seen this document before?

Answer. No. Question. This refers to JIM Associates Corp. having been employed by A.S.K. Electrical Corp. to furnish labor and/or materials for the building at 217-14 Hempstead Avenue, Queens. Do you see that in the first paragraph? Answer," by Mr.

Hudson, "Yes, I just read it. Question.

Does this refresh any recollection you might have whether it was A.S.K. Electrical that hired JIM Associates? Answer. No, in terms of the paper work I never seen the paper work that dealt with the project.

Only paper work I deal with the prints that they gave me to proceed with the build out for the electric. Question. There is a

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paragraph that starts now, do you see that paragraph? Answer. Yes. Question. The next paragraph after that is whereas. Do you see that? Answer. Yes. Can you read for me what the first sentence in that whereas paragraph?" That's what it says, so that's sic. "Can you read what the first sentence in the first paragraph?" That's the question. "Answer. Whereas JIM Associates Corp., the undermined, as releasor, successors and assigns, in consideration of \$62,891 total cumulative dollars and other goods and valuable consideration, has released and does release and forever discharge Dava Partners, the owner, and A.S.K. Electrical Corp., general contractor, collectively referred to herein as the releases and each of the respective releases, shareholders, officers, directors, employees, agents, representatives, successors and assigns from all actions, causes of action, sums of money, or any other liability arising out of or in connection with the project and

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2 work contracted for and demands whatsoever,
3 in law, admiralty or equity, which against
4 either or both of the releasees. Question.
5 That's the first sentence. You can stop
6 there."

7 MR. GASTMAN: I'm sorry. Is
8 there a question there somewhere? I
9 think we have to call you as a
10 witness.

11 MS. ALIKAKOS: I'm going to
12 renew my objection.

13 MR. RAVA: Objection.

14 MR. GASTMAN: I want to know if
15 there was a question. Was that a
16 question?

17 Q. Sir, after having read or heard
18 me read and review the testimony from your
19 foreman, Mr. Hudson, does that in any way
20 refresh your recollection that Davs or
21 A.S.K. ever signed a waiver of lien to JIM
22 Associates?

23 MR. RAVA: Objection. I'm
24 objecting to the question and the
25 form of the question because what

1 KLEEMAN

2 you're asking him to comment upon is
3 not Mr. Hudson's testimony but on
4 information that was read by a
5 questioner into the record just so
6 that we're clear, so I'm objecting to
7 that on both bases.

8 MR. RECCHIA: Are you directing
9 the witness not to answer?

10 MR. RAVA: Over my objection,
11 he can answer.

12 MR. RECCHIA: Okay, thank you.

13 Q. You can answer, sir.

14 A. I don't even understand the
15 question.

16 Q. Okay, does what I just read
17 about the waiver of lien in any way refresh
18 your recollection that you signed any kind
19 of waiver with respect to JIM Associates?

20 MR. RAVA: Objection.

21 You can answer.

22 A. No.

23 Q. Okay, alright, would you have
24 any such waiver of lien in any of the paper
25 work that you may have kept for this

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2 project in your office?

3 MR. RAVA: Objection. Please
4 ask the question in a different way.

5 MR. RECCHIA: Are you directing
6 your witness not to answer?

7 MR. RAVA: I'm objecting to the
8 form of the question because I think
9 it's misleading and I'm asking you to
10 seek another way to ask the question.

11 MR. RECCHIA: Can I hear the
12 question back, please, MJ?

13 (Whereupon, the referred to
14 record was read back by the court
15 reporter.)

16 MR. RECCHIA: That's the
17 question.

18 MR. RAVA: Again I'm objecting
19 because it assumes that one exists.
20 If you want to ask the question, ask
21 the question. Ask the right
22 question.

23 MR. RECCHIA: Are you directing
24 the witness not to answer?

25 MR. RAVA: You are putting

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testimony in your question that may not be true, so please ask the proper question.

MR. RECCHIA: I'm asking. I'll mark this for a ruling and I'll try to do it a different way.

MR. RAVA: I'm telling you there is a way to get the information if you ask the proper question, but I'm not going to allow a question that assumes facts that may not be true.

MR. RECCHIA: Again mark it for a ruling.

MR. GASTMAN: Off the record.

(Whereupon, an off-the-record discussion was held.)

MR. RAVA: For the record, my firm does not have a copy of the documents that counsel is referencing. They are documents that apparently were in the possession of his client and his client's prior counsel. To the extent that they

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were used previously as a part of the record, I need copies of that and my client should be allowed to see them before questions are asked about them.

MR. GASTMAN: Plaintiff's counsel joins in and wishes to add to this that in this case the lawyers for Kalnitech have shown up with documents that, one, they're not under a caption, but they're marked at a deposition and then have never been exchanged. Defense counsel for, I believe, Kalnitech is saying, "I don't have them. I don't have them," but it's Kalnitech who marked these things back on April 11, 2022. Of this lien thing, if it's the same lien thing, it was marked as Defendant's Exhibit C like "Charlie". Plaintiff's counsel is entitled to these documents. We should have gotten them in the ordinary discovery under the caption and we should have

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gotten them again after they were marked as exhibits. Please send them. Thank you.

MR. RECCHIA: I will note for the record that before today's deposition I reviewed the file that we have and I looked for this waiver of lien. If I found it, I would have been happy to bring it to this proceeding and exchange it. I will review our file again and I will see if we can locate this document.

MR. GASTMAN: Okay, thank you because it sounds like you reviewed the file and you determined that Kalnitech marked these things and you even read part of that into the record, so if you are aware of them, please go find them and send them. Thank you.

MR. RECCHIA: Of course, and I did note for the record that I believe I said at the beginning of this session of the deposition that I

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2 did not have the document, but I did
3 refer to the fact that it was
4 referred to in the deposition of Mr.
5 Hudson and that's what I said. I did
6 review my file. I will look again.
7 If I locate this document, this
8 waiver that was marked as Exhibit C
9 at Mr. Hudson's deposition, I will,
10 of course, exchange it. I don't have
11 it today. I tried to find it
12 yesterday, so let's go back.

13 -----
14 MR. RECCHIA: MJ, may I please
15 have the last question on the record?

16 MR. RAVA: I request all prior
17 exhibits marked by counsel's client's
18 former firm at the deposition of
19 Dwayne Hudson and any other documents
20 that they may have related to this
21 project.

22 -----
23 MR. RECCHIA: Can I have the
24 last question read back, MJ, that I
25 asked? Thank you.

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2 (Whereupon, the referred to
3 record was read back by the court
4 reporter.)

5 MR. RECCHIA: Alright, let's
6 mark that for a ruling based on
7 defense counsel's objection.

8 MR. RAVA: Ask the proper
9 question. Go ahead.

10 Q. Sir, if you or A.S.K. or Davs
11 signed or executed a waiver of lien, would
12 that be kept anywhere in your office?

13 MR. RAVA: Objection.
14 You can answer over my
15 objection.

16 A. Yes.

17 Q. Okay, have you ever seen the
18 waiver of lien in favor of JIM for
19 \$62,891.00 before today?

20 MR. RAVA: Objection.
21 You can answer.

22 A. Not since I supposedly signed
23 it.

24 Q. Okay, again as we've been
25 talking about it now and hearing all the

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2 objections of counsel about this document,
3 is your recollection at all refreshed about
4 any such waiver of lien that JIM Associates
5 gave to Davs or A.S.K.?

6 A. I signed twelve waiver of liens
7 a day.

8 THE COURT REPORTER: Off the
9 record.

10 (Whereupon, an off-the-record
11 discussion was held.)

12 Q. Do you want to repeat your
13 answer?

14 A. Yeah, I signed a lot of lien
15 waivers everyday. I signed quite a bit, so
16 to say one specific lien stands out, I
17 can't answer that question.

18 Q. What you said and I'll be happy
19 to be corrected, but what I believe what
20 you actually said was, "I signed twelve
21 waivers of lien a day"?

22 A. Yeah, I used a figure of speech
23 about the number twelve, but I retract that
24 and say I signed many.

25 Q. Okay, Mr. Kleeman, did you ever

1 KLEEMAN

2 give specific instructions to Gus about any
3 of the work you wanted him to perform at
4 the jobsite?

5 MR. RAVA: Objection to the
6 form of the question. What do you
7 mean by "specific instructions"?

8 MR. RECCHIA: Any directions
9 for any particular work to be done,
10 "I want a mailbox installed here,"
11 or, "I want tiling installed there,"
12 for example.

13 MR. RAVA: Note my objection.
14 You can answer over my
15 objection.

16 A. Yes.

17 Q. Okay, and did you do that in
18 face-to-face meetings with Gus at the
19 jobsite, did you do it over the phone, by
20 e-mail or something else?

21 A. All of the above.

22 Q. Pardon me?

23 (Whereupon, the referred to
24 record was read back by the court
25 reporter.)

1 KLEEMAN

2 MR. RECCHIA: Thank you.

3 Q. Alright, did you yourself ever
4 supervise JIM Associates at the jobsite?

5 MR. RAVA: Objection to the
6 question.

7 You can answer.

8 A. Did I supervise JIM? Did I
9 ever supervise JIM?

10 Q. Yes, did you ever supervise JIM
11 at the jobsite?

12 A. I discussed their work with
13 them if you want to call that supervising,
14 but did I discuss their work? Yes, with
15 Gus, yes, I have.

16 MR. RECCHIA: Counselor, I wish
17 you would let the witness answer and
18 not interrupt.

19 MR. RAVA: He answered the
20 question.

21 Q. Could you please finish your
22 answer, sir, if you did not finish?

23 A. I'm finished.

24 MR. RECCHIA: I'll just note
25 for the record that counsel

1 KLEEMAN

2 interrupted the witness in the middle
3 of his testimony and now the witness
4 has ended his statement.

5 Q. You testified that you did
6 discuss work with JIM, is that correct,
7 sir?

8 A. Yes.

9 Q. Okay, and when you discussed
10 work to be done by JIM, sir, did you
11 discuss it with JIM at the site or
12 someplace else?

13 A. Yes, we would have meetings on
14 the site with JIM and Gus and Kalnitech.

15 Q. Okay, when you say "we", who's
16 the "we" you're referring to besides
17 Kalnitech?

18 A. JIM.

19 Q. Did anyone ever tell you, Mr.
20 Kleeman, that Dwayne Hudson testified that
21 you were responsible for the scheduling of
22 the work on the site?

23 MR. RAVA: Objection.

24 You can answer over my
25 objection.

1 KLEEMAN

2 A. No.

3 Q. Alright, did you ever learn
4 that Dwayne Hudson testified that you were
5 responsible for scheduling the work on the
6 site?

7 MR. RAVA: Objection.

8 You can answer.

9 A. The electrical work I would
10 schedule, yes.

11 Q. Did you ever schedule any of
12 the other work by any of the other
13 subcontractors on the site?

14 MR. RAVA: Objection.

15 You can answer.

16 A. Depending on the subcontractor.

17 Q. Is that a yes for some
18 subcontractors?

19 MS. ALIKAKOS: Objection to the
20 form.

21 A. Yes.

22 Q. Okay, can you tell us what
23 other subcontractors you would schedule
24 some work for or the work for?

25 A. I scheduled the fence guy to

1 KLEEMAN

2 come in early on in the job.

3 Q. Okay, with any other
4 subcontractors besides the fence guy?

5 A. No.

6 Q. Okay, did you ever schedule any
7 work for the mechanical contractors?

8 A. All work was scheduled through
9 Gus and Kalnitech because he was running
10 the project.

11 Q. Okay, did you ever schedule any
12 of the work done by any of the HVAC
13 subcontractors?

14 A. Again everything was scheduled
15 through Gus in coordination.

16 Q. Okay, did you ever file any
17 documents, you as the president of A.S.K.
18 or as a vice president of Davs ever file
19 any documents, with the New York City
20 Department of Buildings listing A.S.K. as
21 the GC for the project?

22 MR. RAVA: Can I hear the full
23 question back? I couldn't hear the
24 beginning part of the question.

25 (Whereupon, the referred to

1 KLEEMAN

2 record was read back by the court
3 reporter.)

4 MR. RAVA: Objection.

5 You can answer over my
6 objection.

7 A. No, the permit was pulled by
8 Kalnitech for the construction. The only
9 DOB permit that I pulled was for my
10 electrical work.

11 Q. Okay, when you say you pulled
12 the permit for the electrical work, was
13 that on behalf of A.S.K.?

14 A. Yes.

15 Q. Mr. Kleeman, before coming here
16 today, did you review any other documents,
17 any photographs or anything like that?

18 MR. RAVA: Objection to the
19 question.

20 You can answer over my
21 objection.

22 A. No.

23 Q. Okay, did anyone ever inform
24 you that the waiver of lien between A.S.K.
25 and JIM indicated that A.S.K. was the

1 KLEEMAN

2 general contractor for the job?

3 MR. RAVA: Objection to the
4 question.

5 You can answer.

6 MS. ALIKAKOS: Objection.

7 A. No.

8 Q. Okay, besides the permit for
9 the electrical work, did either Davs or
10 A.S.K. Electrical have any other permits
11 for any of the work on the site?

12 A. No.

13 Q. Did the architects, Built-In,
14 ever apply for any permits for any of the
15 work being performed on the site?

16 A. I believe they did the
17 expediting for the close-outs, but all the
18 permits were pulled by Kalnitech for the
19 construction.

20 Q. So the answer is, no, the
21 architects didn't apply for any permits
22 relating to the site?

23 MR. RAVA: I'm not sure that's
24 his answer.

25 A. Yeah, I don't know that answer.

1 KLEEMAN

2 The expediter closed out the job, so if
3 there were permits, to answer what permits,
4 I don't know.

5 MR. RAVA: Note my objection to
6 the form.

7 Q. I'm just about finished.

8 Did you ever see any documents
9 issued by the New York City Department of
10 Buildings which listed A.S.K. as the
11 general contractor for the site?

12 MS. ALIKAKOS: Objection.

13 Asked and answered.

14 MR. RAVA: Objection.

15 A. No.

16 Q. Okay, did you ever review the
17 transcript of any other witness that
18 testified in this case before today?

19 MR. RAVA: Objection. You're
20 assuming. Your question assumes that
21 he reviewed the testimony of another
22 witness and he never testified to
23 that. I will allow him to answer
24 over my objection.

25 MR. RECCHIA: Yes, I just don't

1 KLEEMAN

2 think the question assumed that. I
3 asked did he ever.

4 MR. RAVA: It absolutely did.
5 You asked him if he reviewed the
6 testimony of any other witness, so it
7 clearly assumed that he reviewed
8 other testimony. You've done that
9 multiple times during the course of
10 this deposition.

11 MR. RECCHIA: Can I hear the
12 question back, please, MJ?

13 MR. GASTMAN: Maurice, Joe's
14 right, but if you want to hear it
15 again, go ahead.

16 MR. RECCHIA: Yes.

17 (Whereupon, the referred to
18 record was read back by the court
19 reporter.)

20 MR. RECCHIA: I apologize. I
21 agree. I will withdraw that
22 question.

23 Q. Sir, did you review the
24 testimony of any witness before today in
25 this case?

1 KLEEMAN

2 MR. RAVA: Objection.

3 You can answer.

4 A. No.

5 Q. Okay, did anyone ever tell you
6 that Kalnitech testified in this case
7 before today and that a representative of
8 Kalnitech, that is, Gus testified in this
9 case before today?

10 MR. RAVA: Objection.

11 You can answer over my
12 objection.

13 A. No.

14 Q. Okay, did you ever have any
15 conversations with Dwayne Hudson before Mr.
16 Hudson testified in April of 2022?

17 MR. RAVA: I'm going to object
18 because that's very broad. At any
19 time before that date is incredibly
20 broad, so I don't know what your
21 question is asking, so I'm sure he
22 probably spoke to him before that
23 date because he worked for him, so
24 you might want to narrow down your
25 question.

1 KLEEMAN

2 MR. RECCHIA: Can I hear the
3 question back, please, MJ?

4 (Whereupon, the referred to
5 record was read back by the court
6 reporter.)

7 MR. RECCHIA: Okay, I will
8 rephrase it.

9 Q. Did you ever have any
10 conversations with Dwayne Hudson about the
11 nature of his testimony or about what he
12 was going to testify about before Mr.
13 Hudson testified on April, I believe, April
14 11, 2022?

15 MR. RAVA: Objection to the
16 question.

17 You can answer over my
18 objection.

19 A. No.

20 Q. Okay, did you ever instruct Mr.
21 Hudson to testify that Kalnitech was the GC
22 for the project?

23 MR. RAVA: Objection.

24 MS. ALIKAKOS: Objection.

25 Asked and answered.

1 KLEEMAN

2 MR. RAVA: You can answer.

3 A. No.

4 MR. RECCHIA: Alright, thank
5 you. I don't have any further
6 questions.

7 MR. GASTMAN: I hope everybody
8 is going to have an excellent holiday
9 season, whichever holiday you
10 celebrate.

11 MS. ALIKAKOS: Wait. Wait.
12 Wait. Before you give your farewell
13 speech, I'm a party to this case.
14 I'm been a party to the companion
15 action. I have some questions unless
16 Mr. Rava is going to direct his
17 witness not to answer, but given that
18 the witness was asked extensively
19 about questions with respect to my
20 client, A.S.K. Electrical, I believe
21 I have the right to ask him
22 questions, so I'm going to ask some.

23 MR. GASTMAN: I'm okay with
24 that so long as we're good with using
25 this record for all purposes for all

1 KLEEMAN

2 these consolidated cases. I'm good
3 with that if you're good with that.

4 MS. ALIKAKOS: Well, is it that
5 you're not going to take my client
6 A.S.K. Electrical's deposition in the
7 companion case that you move to
8 consolidate?

9 MR. GASTMAN: You mean Mr.
10 Kleeman or somebody else?

11 MS. ALIKAKOS: Mr. Kleeman.

12 MR. GASTMAN: I don't think
13 we're going to ask the same guy the
14 same questions about the same case as
15 long as you're okay that we can use
16 this transcript for all purposes.
17 However, if you decide now or later
18 that, oh, no, no, no, you can't use
19 the transcript in action one and
20 action two, yes, then we'll do it all
21 over again, but you don't have to
22 answer now. I'm just telling you how
23 we're going to proceed.

24 MS. ALIKAKOS: Okay, I'm going
25 to ask my questions and then we can

1 KLEEMAN

2 do what we were paid as lawyers to do
3 and follow the long litigated path.
4 It doesn't matter.

5 MR. GASTMAN: It's okay with
6 me.

7 EXAMINATION BY

8 MS. ALIKAKOS:

9 Q. Good afternoon, Mr. Kleeman.
10 I'm not going to keep you here very long.
11 I just want to clarify certain things
12 because it was my understanding that you
13 were produced today per Court Order on
14 behalf of Davs Partners, so I just want to
15 clarify some testimony and some questions
16 for you.

17 If at any time -- the same
18 instructions apply -- if you don't
19 understand my question, I ask that you ask
20 me to repeat it. Wait until I finish the
21 question and then give me a response to
22 that question, so I just want to clarify a
23 few points.

24 Mr. Kleeman, was A.S.K.
25 Electrical Contracting or A.S.K. Electrical

1 KLEEMAN

2 ever the general contractor on this
3 project? Yes or no?

4 MR. RECCHIA: Just note my
5 objection.

6 Q. You can answer, sir.

7 A. No.

8 Q. Was Davs, D-A-V-S, ever the
9 general contractor on this project? Yes or
10 no, sir?

11 A. No.

12 Q. Did any of the documents that
13 you were shown by counsel for Kalnitech,
14 did any of those documents change your
15 testimony that either A.S.K. Electrical or
16 Davs was the general contractor on this
17 project?

18 A. Restate that again.

19 Q. Let me restate it. It sounded
20 better in my head than it did when it came
21 out.

22 You were shown documents by
23 counsel for Kalnitech, correct?

24 A. Yes.

25 Q. Okay, do any of those documents

1 KLEEMAN

2 change your testimony as to who the general
3 contractor was on this project?

4 A. No.

5 Q. Okay, and it's your testimony
6 that the general contractor on this project
7 was Kalnitech?

8 A. Yes.

9 MR. RECCHIA: Just note my
10 objection.

11 Q. It's your testimony that A.S.K.
12 Electrical never acted as a general
13 contractor on this project, is that
14 correct, sir?

15 A. Yes.

16 Q. You would agree with me, sir,
17 that you're a part owner in A.S.K.
18 Electrical, correct?

19 A. Yes.

20 Q. Whether A.S.K. Electrical was
21 the general contractor or not, it's
22 something that you as an owner of A.S.K.
23 Electrical would be privied to, is that
24 correct, sir?

25 MR. RECCHIA: Just note my

1 KLEEMAN

2 objection.

3 A. Yes.

4 Q. Let's talk about Mr. Hudson.
5 Mr. Hudson was the working foreman on the
6 project, correct?

7 A. Yes.

8 Q. Mr. Hudson was not an officer
9 of A.S.K. Electrical on this project,
10 correct?

11 A. No.

12 Q. Mr. Hudson, you would agree
13 with me that Mr. Hudson did not participate
14 in any of the negotiations of the contracts
15 on this project? Is that fair, sir?

16 A. Yes.

17 Q. Yes, he did not participate,
18 correct?

19 A. He did not.

20 Q. Okay.

21 A. He did not.

22 Q. Okay, and Mr. Hudson also did
23 not have any authority to enter into any
24 contracts or any agreements on behalf of
25 A.S.K. Electrical? That's correct, isn't

1 KLEEMAN

2 it?

3 A. Correct, he did not.

4 Q. When you and Gus of Kalnitech
5 discussed this project before work began,
6 was Mr. Hudson part of those discussions?

7 A. No.

8 Q. Alright, and was Mr. Hudson
9 part of any discussions with JIM in
10 connection with its work on this project?

11 A. No.

12 Q. Did Mr. Hudson participate in
13 any contract negotiations whatsoever or
14 agreements between A.S.K. Electrical and
15 JIM on this project?

16 A. No, just as foreman.

17 Q. Did Mr. Hudson have the
18 authority to bind A.S.K. Electrical in
19 connection with any contractual agreements
20 for work on this project? Yes or no?

21 A. Not at all, no.

22 Q. Did Mr. Hudson have any
23 participation in the drafting of any of the
24 documents that were marked here today by
25 the defense for Kalnitech's counsel that

1 KLEEMAN

2 you reviewed?

3 A. No.

4 Q. Any participation in that?

5 A. None.

6 Q. Davs was the owner of the
7 property, correct?

8 A. Correct.

9 Q. A.S.K. Electrical, they were
10 the tenant for the property, correct?

11 A. That is correct.

12 Q. A.S.K. Electrical also did the
13 electrical work for the property for which
14 it was the tenant, correct?

15 A. That is correct.

16 Q. Would you agree with me that
17 that was the role of A.S.K. Electrical, to
18 serve as the tenant and the electrical
19 contractor for the work in the building
20 that it was going to have its offices in,
21 is that correct, sir?

22 MR. RECCHIA: Just note my
23 objection to the form.

24 MS. ALIKAKOS: Okay.

25 Q. Is that correct, sir?

1 KLEEMAN

2 A. That's correct, yes.

3 Q. The work that A.S.K. Electrical
4 performed, was that physically, the work on
5 this project, was that limited to the
6 electrical work provided by A.S.K.
7 Electrical's electricians?

8 A. Correct.

9 Q. Was it Gus of Kalnitech, was it
10 your testimony that Gus of Kalnitech asked
11 you to just pay JIM directly, is that
12 correct, sir?

13 A. Yes.

14 Q. Would JIM have just issued you
15 an invoice after Gus asked you to pay them
16 directly?

17 MR. RECCHIA: Just note my
18 objection.

19 A. Yes.

20 Q. I'm sorry, sir?

21 A. Gus just said to deal with JIM
22 directly for the finishing, for the
23 finishing of the job.

24 Q. Okay, and during that two-week
25 span when JIM was working on the project,

1 KLEEMAN

2 was it your testimony that Gus of Kalnitech
3 was still involved with working on this
4 project?

5 MR. RECCHIA: Note my
6 objection.

7 A. Yes, he was here. He was still
8 here everyday.

9 Q. Do you know if Gus ever
10 supervised the work of the JIM employees?

11 A. Gus supervised the work of all
12 trades except for my electricians.

13 Q. The JIM employees, I know you
14 said that was finishing work. Just explain
15 that to me. What did that finishing work
16 entail?

17 A. Painting, molding, tile,
18 flooring.

19 Q. Not the electrical work,
20 correct?

21 A. No.

22 Q. Did Dwayne Hudson ever issue
23 any payments or submit any payment
24 requisitions or anything like that in
25 connection with this project?

1 KLEEMAN

2 A. No.

3 Q. Okay, because that was outside
4 the scope of his job as a working foreman,
5 correct?

6 MR. RECCHIA: Just note my
7 objection.

8 A. He was the foreman on the job.

9 Q. Right, and again he was a
10 working foreman solely for the electrical
11 work that A.S.K. Electrical was performing
12 on this project, correct?

13 A. Correct.

14 MS. ALIKAKOS: Okay, counsel,
15 if you could just e-mail me a copy of
16 those documents because I don't have
17 them when you have the opportunity.

18 MR. RECCHIA: Yes.

19 MS. ALIKAKOS: Thank you.
20 They're not E-filed also, counsel. I
21 looked.

22 MR. RECCHIA: No, I'll be happy
23 to send them to you.

24 MS. ALIKAKOS: Okay, thank you.

25 MR. RECCHIA: I have one or two

1 KLEEMAN

2 unless Mr. Gastman wants to ask any.

3 MR. GASTMAN: No, we've had
4 enough testimony for one day.

5 MR. RECCHIA: Alright.

6 EXAMINATION BY

7 MR. RECCHIA:

8 Q. Mr. Kleeman, you just testified
9 that Gus was onsite everyday during the
10 work conducted by JIM. Do you remember
11 that?

12 A. Yes.

13 Q. Okay, I'd like to ask you what
14 the basis of your knowledge of that is.
15 Did you personally see Gus? Would there be
16 any records or logs that would reflect that
17 Gus was there everyday or something else?

18 A. Yes, Gus was there to the end
19 until we closed the job out, till the end.

20 Q. Is that based on your visual
21 observation of Gus being there, is it based
22 on --

23 A. Yes.

24 Q. (Continuing) someone telling
25 you or something else?

1 KLEEMAN

2 A. My visual observation of
3 meeting him there.

4 Q. Okay, alright, was Gus onsite
5 the day before this accident as far as you
6 know?

7 A. I don't know that. I would
8 think so, yes. I think he was even there
9 that day. He just wasn't there when it
10 happened.

11 Q. Okay, do you have any basis for
12 that knowledge? In other words, do you
13 have any records or something that somebody
14 told you or something else?

15 A. That's through, like I said, I
16 was there myself. I met him there.

17 Q. You met him there? We'll use
18 the date of the accident as June 28. Did
19 you meet Gus on the site on June 27, 2019?

20 A. Again for me to give you a
21 definite answer, I'm not aware of that. I
22 would have to -- I would have to double-
23 check my e-mails.

24 Q. Okay, would you have any
25 documents that would reflect that you were

1 KLEEMAN

2 onsite on June 27, 2019?

3 A. I would have to check.

4 Q. Is it possible that there are
5 e-mails that would indicate you were onsite
6 on that date?

7 A. It could be possible.

8 MR. RECCHIA: Okay, alright,
9 what we're going to do is we're going
10 to make a demand and I will obviously
11 put it in writing, but I will be
12 requesting the attorney to provide
13 any e-mails they have or any other
14 documentation they have that would
15 indicate the basis of their knowledge
16 that Gus was onsite when JIM was on
17 the site.

18 -----
19 Q. Sir, do you recall that you
20 were on vacation on the date this accident
21 occurred, June 28, 2019?

22 A. I don't know, no.

23 Q. Are you aware that Dwayne
24 Hudson testified that you were away on a
25 vacation trip on the date this accident

1 KLEEMAN

2 happened?

3 MR. RAVA: Objection.

4 You can answer over my
5 objection.

6 A. I do not know that. I don't
7 know how Dwayne would know where I am.

8 MR. RECCHIA: Okay, alright,
9 thank you. Okay, I don't have
10 anything else.

11 MR. GASTMAN: Now I just wish
12 everybody a healthy and happy set of
13 set of holidays in this lovely month
14 of April, 2023, and if any of your
15 law firms have marked exhibits,
16 please send them. We appreciate
17 that. Thank you. We look forward to
18 seeing all of you at some exciting
19 upcoming conference or deposition or
20 something like that.

21 -----

22 MR. RAVA: Yes, I request any
23 documents and exhibits in the
24 possession of the other firms,
25 especially anything that counsel

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KLEEMAN

referenced today during his
questioning.

THE COURT REPORTER: Greg, you
get the original and two?

MR. GASTMAN: Yes.

THE COURT REPORTER: Maurice,
do you want a copy?

MR. RECCHIA: Yes, I would
prefer only a condensed copy, please.

THE COURT REPORTER: Got it.
Georgia?

MS. ALIKAKOS: I'll take a
copy. I'll take both.

(Whereupon, at 1:00 P.M., the
Examination of this witness was
concluded.)

° ° ° °

1 KLEEMAN

2 D E C L A R A T I O N

3
4 I hereby certify that having been
5 first duly sworn to testify to the truth, I
6 gave the above testimony.

7
8 I FURTHER CERTIFY that the foregoing
9 transcript is a true and correct transcript
10 of the testimony given by me at the time
11 and place specified hereinbefore.

12
13
14

15 DAVID KLEEMAN

16
17
18 Subscribed and sworn to before me
19 this ____ day of _____ 20 ____.

20
21

22 NOTARY PUBLIC
23
24
25

KLEEMAN

E X H I B I T S

DEFENDANT'S EXHIBITS

EXHIBIT	EXHIBIT	PAGE
LETTER	DESCRIPTION	
Exh A	Short Form Contract Between Owner & Contractor	58
Exh B	A.S.K. Electrical Contracting Corp. Master Subcontract Agreement	72
Exh C	Department of State Division of Corporations Entity Information for A.S.K. Electrical Corp.	78
Exh D	Department of State Division of Corporations Entity Information of Davs Partners LLC	81

(Exhibits retained by Court Reporter.)

KLEEMAN

I N D E X

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MR. GASTMAN	8
MR. RECCHIA	56
MS. ALIKAKOS	139
MR. RECCHIA	148

INFORMATION AND/OR DOCUMENTS REQUESTED

INFORMATION AND/OR DOCUMENTS	PAGE
Any contract between A.S.K. or Mr. Kleeman and Built-In	92
Any progress photos from the site of this accident up until the date of the accident taken by Mr. Kleeman	97
Contracts with subcontractors	106
To the extent that it hasn't already been provided, a copy of the contract between A.S.K. and JIM	109

1 KLEEMAN

2 INFORMATION AND/OR DOCUMENTS REQUESTED

3 INFORMATION AND/OR DOCUMENTS PAGE

4 (Mr. Gastman) Defendant's Exhibit

5 C marked on April 11, 2022, the

6 waiver of lien 123

7 (Mr. Rava) All prior exhibits

8 marked by counsel's client's

9 former firm at the deposition of

10 Dwayne Hudson and any other

11 documents that they may have

12 related to this project 123

13 Any e-mails or any other

14 documentation indicating the basis

15 of the knowledge that Gus was

16 onsite when JIM was onsite 150

17 (Mr. Gastman) Marked exhibits 151

18 (Mr. Rava) Any documents and

19 exhibits in the possession of

20 the other firms, especially

21 anything that counsel referenced

22 today during his questioning 152

23
24
25

KLEEMAN

QUESTIONS MARKED FOR RULINGS

"Okay, would you have any kind of documents somewhere in your office that would indicate who filed this for your office, whether Kavita or yourself or your wife or anyone else? Would you have any documents that would reflect who had filed this on behalf of Davs?" (Page 83/Line 2)

"Okay, alright, would you have any such waiver of lien in any of the paper work that you may have kept for this project in your office?" (Page 118/Line 23)

KLEEMAN

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

I, MAY JEAN WU, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of April, 2023.



MAY JEAN WU

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ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: Reyes Espinoza, Stalin Rodrigo v. DAVS Partners LLC, Et
Al.
DATE OF DEPOSITION: 4/5/2023
WITNESSES' NAME: David Kleeman

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David Kleeman

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[alright - asking]

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New York Code
Civil Practice Law and Rules
Article 31 Disclosure, Section 3116

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